



SUB-COMMITTEE ON STANDARDS OF
TRAINING AND WATCHKEEPING
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COMPREHENSIVE REVIEW OF THE STCW CONVENTION AND THE STCW CODE

Review of chapter I 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: In the framework of the second step of the process relating to the Comprehensive review of the STCW Convention and Code, the co-sponsors reviewed these instruments in conjunction with the outcome of the discussions of STW 38 and put forward several proposals for amendments regarding some provisions of the Annex to the STCW Convention and the STCW Code. This document suggests amendments for chapter I

Action to be taken: Paragraph 7

Related documents: MSC 81/25; STW 38/12/4, STW 38/17, annex 11

Background

1 The Maritime Safety Committee (MSC), at its eighty-first session (10 to 19 May 2006), endorsed the proposal of the Sub-Committee on Standards of Training and Watchkeeping (STW) at its thirty-seventh session and decided to include in the work programme and 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 also instructed the Sub-Committee to define, as a first step, the issues to be reviewed and advise it accordingly for the Committee to endorse the scope of the review and the Sub-Committee to undertake subsequently, as a second step, the authorized review.

2 Hence, to address the first step of the Committee’s instructions, the Sub-Committee, at its thirty-eighth session (22 to 26 January 2007), discussed a large number of proposals submitted by all involved Parties and endorsed the principles to be followed during the review and the list of areas in the STCW Convention and Code identified for the comprehensive review as specified in annex 11 of STW 38/17. The Sub-Committee invited the Committee to approve this list and instruct it accordingly.

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3 Subsequently, the Committee, at its eighty-third meeting (3 to 12 October 2007), approved the list of areas and instructed the Sub-Committee to undertake the review of the STCW Convention and Code.

4 The co-sponsors welcome the results of the discussions of STW 38 on the first step of the comprehensive review of the STCW Convention and the STCW Code as set out in annex 11 to the report to the Committee (STW 38/17) and the overall positive outcome of MSC 83 in this regard. They reiterate their support for a comprehensive review of the STCW Convention and Code, which they consider above all as a good opportunity to upgrade seafarers' competencies to adapt them to the prerequisites of modern technologies and the needs of the shipping industry.

Scope of the proposal

5 The co-sponsors reviewed therefore chapter I of the STCW Convention and Code in conjunction with the outcome of the discussions of STW 38 and put forward proposals for amendments as set out in the annex.

6 The co-sponsors suggest that in order to ensure consistency of the Convention, any consequential adjustments stemming from the introduction of amendments should be introduced at the final stages of the review process after careful scrutiny of the entire text of the Annex and the Code.

Action requested of the Sub-Committee

7 The Sub-Committee is invited to consider the above proposals in the review of the STCW Convention and STCW Code and take action as appropriate.

ANNEX

**PROPOSED AMENDMENTS TO CHAPTER I OF THE STCW CONVENTION
AND THE STCW CODE**

Note: New text shown as underlined and deleted text shown as strikethrough

CHAPTER I – GENERAL PROVISIONS**1 Regulation I/1 – Definitions and clarifications ¹**

- .1 A new sub-paragraph shall be inserted after paragraph 23:

“23a *Certificate of competency* means a certificate issued by an Administration to masters, officers and radio operators in accordance with the provisions of chapters II, III, IV and VII;”²

- .2 A new sub-paragraph shall be inserted after paragraph 27:

“28 *Security duties* include all security tasks and duties on board ships as defined by Chapter XI/2 of the SOLAS Convention and the ISPS Code.”

- .3 A new paragraph shall be added after paragraph 3:

“4 Certificates issued in accordance with the provisions of chapters V and VI may be issued by an Administration or under its authority.”

2 Regulation I/2 – Certificates and endorsements (paragraph 5.1 of STW 38/12/4)

- .1 The following sentence shall be inserted in the beginning of paragraph 1:

“1 Certificates of competency shall be issued only by the Administration, following verification of the authenticity and validity of any relevant documentary evidence.”

- .2 Paragraph 5 shall be amended as follows:

“5 An Administration which recognizes a certificate of competency under regulation I/10 shall verify the authenticity and validity of such certificate so as to endorse it ~~such certificate~~ to attest its recognition. The endorsement shall be issued by the Administration only if ~~be issued~~ if all requirements of the Convention have been complied with.”

¹ Consideration of other definitions should be deferred at a later stage of the review process.

² This definition entails an amendment of the definition of “*appropriate certificate*” and possibly other consequential adjustments that should be considered under the review process.

- .3 A new paragraph shall be inserted after paragraph 8:

“8a Each Party shall take and enforce appropriate measures to prevent fraud and other unlawful practices involving certificates and endorsements issued and shall prescribe penalties or disciplinary measures for cases in which the relevant national provisions are not complied with.”

3 Regulation I/3 – Near-coastal voyages (paragraph 5.2 of STW 38/12/4)

- .1 A new paragraph shall be inserted in the beginning of this regulation:

“1 This regulation is without prejudice to existing standards regarding safety at sea and protection of the marine environment.”

- .2 A new paragraph shall be inserted after paragraph 2:

“2a A Party that for ships afforded the benefits of the near-coastal voyage provisions of the Convention includes voyages off the coast of other Parties within the limits of their near-coastal definition shall enter into an agreement with the parties concerned specifying the details of both involved trading areas and other relevant conditions.”

4 Section A-I/3 – Principles governing near-coastal voyages

The following text shall be inserted in Section A-I/3:

“1 When, as provided in Regulation I/3, paragraph 2a, Parties enter into an agreement for the purposes of applying variations to the subjects listed in column 2 of the standard of competence tables contained in chapters II and III of part A of the Code, for the issue of certificates valid for service in ships entitled to fly their flag and engaged on such voyages, they shall take into account the following factors:

- .1 the type of ship and the trade in which it is engaged;
- .2 the gross tonnage of the ship and the power in kW of the main propulsion machinery;
- .3 the nature and length of the voyages;
- .4 the maximum distance from a port of refuge;
- .5 the adequacy of the coverage and accuracy of navigational position-fixing devices;
- .6 the weather conditions normally prevailing in the near-coastal voyage area;
- .7 the provision of shipboard and coastal communication facilities for search and rescue;

.8 the availability of shore-based support, regarding especially technical maintenance on board.

2 It is not intended that ships engaged on near-coastal voyages should extend their voyages world-wide, under the excuse that they are navigating constantly within the limits of designated near-coastal voyages of neighbouring Parties.”

5 Section B-I/3 – Guidance regarding near-coastal voyages

Section B – I/3 shall be deleted.

6 Regulation I/4 – Control procedures (paragraph 5.11 of STW 38/12/4)

.1 Sub-paragraph 1.3 shall be amended as follows:

“3 assessment, in accordance with section A-I/4 of the STCW Code, of the ability of the seafarers of the ship to maintain watchkeeping standards and security standards as appropriate and as required by the Convention if there are clear grounds for believing that such standards are not being maintained because any of the following have occurred:”

.2 Sub-paragraph 1.3.4 shall be amended as follows:

“3.4 the ship is otherwise being operated in such a manner as to pose a danger to persons, security, property or the environment.”

7 Section A-I/4 – Control procedures

A new paragraph shall be inserted after paragraph 5:

“6 Assessment of standards of competency related to security shall be conducted for those seafarers with specific security duties only in case of clear grounds, as provided for in Chapter XI/2 of the SOLAS Convention. In all other cases, it shall be confined to the verification of the certificates of the seafarers.”

8 Regulation I/5 – National provisions (paragraph 5.11 of STW 38/12/4)

Paragraph 1 shall be amended as follows:

“1 Each Party shall establish processes and procedures for the impartial investigation of any reported incompetency, act or omission, that may pose a direct threat to safety of life or to security³ or property at sea or to the marine environment, by the holders of certificates or endorsements issued by that Party in connection with their performance of duties related to their certificates and for the withdrawal, suspension and cancellation of such certificates for such cause and for the prevention of fraud.”

³ With regard to security, the decisions of STW 38 concerning seafarers with and without designated security related duties will have to be reviewed by the Sub-Committee and inserted in chapter VI of the Convention and Code together with the decisions taken by MSC 81 concerning Ship Security Officers as appropriate.

9 Regulation I/7 – Communication of information (paragraph 5.13 of STW 38/12/4)

A new sentence shall be added at the end of paragraph 1:

“Information regarding compliance with amendments to the Convention shall not be subject to this regulation.”

10 Section A-I/7 – Communication of information

.1 Paragraph 4 and 8 of section A-I/7 shall be amended as follows:

“4 Each Party shall report the results of each evaluation carried out pursuant to regulation I/8, paragraph 2 within six months of its completion. The report of the evaluation which report required by paragraph 3 of regulation I/8 shall describe the terms of reference for of the evaluation and evaluators, the qualifications and experience of the evaluators, the date and scope of the evaluation, the deficiencies found and the corrective measures recommended and carried out. This report is made available by the Organisation to the Parties upon request.”

“8 The competent persons shall, on a confidential basis, express their views in writing on:

“.1 a comparison of the facts reported in the information communicated to the Secretary-General by the Party with all relevant requirements of the Convention;

~~“.2 the report of any relevant evaluation submitted under regulation I/8, paragraph 3; and~~

~~“.23 any additional information provided by the Party.”~~

.2 The following new paragraph shall be inserted:

“8a The competent persons shall evaluate the reports submitted under regulation I/8, paragraph 3 and express their views in writing. Their views shall be communicated to the Secretary General, who shall submit a report to the Maritime Safety Committee for further action under regulation I/7, paragraph 3.1, as appropriate.”

11 Regulation I/8 – Quality standards (paragraphs 5.3 and 5.13 of STW 38/12/4)

.1 Sub-paragraph 1.1 shall be amended as follows:

“.1 in accordance with the provisions of section A-I/8 of the STCW Code, all training, assessment of competence, certification including procedures for the issue of medical certificates, in accordance with A-I/9 of the STCW Code, endorsement and revalidation activities carried out by non-governmental agencies or entities under its authority are continuously monitored through a quality standards system to ensure achievement of defined objectives, including those concerning the qualifications and experience of instructors and assessors; and”

- .2 A new sentence shall be added at the end of paragraph 2:

“This evaluation shall include all changes to national regulations and procedures emanating from amendments to the Convention.”

- .3 Paragraph 3 shall be amended as follows:

“3 A report containing the results of ~~Information relating to the~~ evaluation required by paragraph 2 shall be communicated to the Secretary-General.”

12 Section A-I/8 – Quality standards

Section A-I/8, paragraph 4 shall be deleted.

13 Regulation I/9 – Medical standards – Issue and registration of certificates (paragraph 5.5 and 5.14 of STW 38/12/4)

- .1 Paragraph 1 shall be amended as follows:

“1 Each Party shall establish standards of medical fitness for seafarers in accordance with the provisions of section A-I/9 of the STCW Code particularly regarding eyesight and hearing.”

- .2 A new paragraph shall be inserted after paragraph 1:

“.1a Each Party shall ensure those responsible for assessing the medical fitness of seafarers are medical practitioners recognized by the Party for the purposes of seafarer medical examinations, in accordance with the provisions of section A-1/9 of the STCW Code.”

- .3 Sub-paragraph 3.3 shall be amended as follows:

“.3 that they meet the standards of medical fitness, specified in section A-1/9 of the STCW Code ~~particularly regarding eyesight and hearing, established by the Party, and hold a medical certificate document attesting to their medical fitness,~~ in the format set in paragraph 8 of section A-I/9, issued by a ~~duly qualified~~ medical practitioner recognized by the Party. Medical certificates shall be in the official language of the issuing country. If the language used is not English, the text shall include a translation into that language;”

- .4 Sub-paragraph 4.1 shall be amended as follows:

“4 Each Party undertakes to:

- .1 maintain a register or registers of all certificates and endorsements for masters ~~and officers and ratings, as appropriate,~~ ratings, which are issued, have expired or have been revalidated, suspended, cancelled or reported lost or destroyed and of dispensations issued; and”

14 Section A-I/9 – Medical Standards – Issue and registration of certificates

The following text shall be inserted in Section A-I/9⁴:

“1 Every candidate for certification shall be required to meet the medical fitness standards, specified in tables [... and A-I/9-1 (see Annex)]⁵. These standards may differentiate between those persons seeking to start a career at sea and those seafarers already serving at sea. In the former case, for example, it might be appropriate to designate higher standards in certain areas, while for seafarers already serving at sea some reduction may be made.

2 Medical examinations and certification of seafarers under the standards shall be conducted by one or more medical practitioners recognized by the Party for the purposes of seafarer medical examinations. A list of medical practitioners so recognized shall be made available to other Parties and to companies and seafarers on request.

3 Each recognized medical practitioner shall have appropriate qualifications and experience.

4 The Administration shall provide specific guidance to recognized medical practitioners on the procedures for the conduct of medical examinations.

5 The Administration shall establish processes and procedures to enable seafarers who, after examination, have been refused a medical certificate, or had a limitation imposed on their ability to work, in particular in respect of time, field of work or trading area, to have their case reviewed in line with the national provisions for appeal.

[6 Eyes of seafarers should be free of disease. Any permanent or progressing debilitating pathology without recovery should be cause for a determination of unfitness.]⁶

7 Notwithstanding these provisions, the Administration may require higher standards than those given in tables [... and A-I/9-1].

8 Medical certificate provided for in regulation I/9, sub-paragraph 3.3, shall be issued in the format specified hereunder. It shall remain valid for a maximum period of two years unless the seafarer is under the age of 18, in which case the maximum period of validity shall be one year. In so far as it relates to colour vision the document shall remain valid for a maximum period of six years.

⁴ Paragraphs 2 to 7 and tables concerning eyesight and physical abilities have been transferred from section B of the STCW Code.

⁵ Minimum medical fitness standards based in particular on ILO/WHO Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers (ILO/WHO/D.2/1997) are to be developed in cooperation with the ILO, WHO and IMHA, taking due consideration of any relevant texts and paragraphs 3 and 4 of section B-I/9.

⁶ This provision should be considered in the event that medical standards are limited to eyesight standards. See also paragraphs 1, 6, 7 and 9.

9 Each Administration may establish the details of procedures for the medical examination and the issue of medical certificates of seafarers, which differ from the procedures set out in paragraphs 1 to 8 above, provided that they are equally effective in ensuring that such certificates are issued only in accordance with the [medical fitness standards established by this Convention].

Each Administration shall determine the amount of discretion given to recognized medical practitioners on the application of the medical standards, except that there shall not be discretion with respect to the mandatory minimum [eyesight standards in table A-I/9-1]”.

[Table A-I/9-1 – Minimum in-service eyesight standards

STCW Convention Regulation	Category of seafarer	Distance vision *		Near/immediate vision	Colour vision	Visual fields	Night blindness	Diplopia (double vision)
		one eye	other eye	Both eyes together Aided or unaided				
I//11 II/1 II/2 II/3 II/4	Masters, deck officers and ratings required to undertake look-out duties Aided: Unaided:	0.5** 0.1	0.5 0.1	Vision required for ships' navigation (e.g. chart and nautical publication reference, use of bridge instrumentation and equipment, and identification of aids to navigation)		Normal visual fields	Vision required to perform all necessary functions in darkness without compromise	No significant condition evident
I//11 III/1 III/2 III/3 III/4	All engineer officers and ratings forming part of an engine-room watch Aided: Unaided:	0.4 0.1	0.4 0.1	Vision required to read instruments in close proximity, to operate equipment, and to identify systems/components as necessary		Sufficient visual fields	Vision required to perform all necessary functions in darkness without compromise	No significant condition evident
I/11 IV/2	Radio officers and electrical/electronic officers Aided: Unaided:	0.4 0.1	0.4 0.1	Vision required to read instruments in close proximity, to operate equipment, and to identify systems/components as necessary		Sufficient visual fields	Vision required to perform all necessary functions in darkness without compromise	No significant condition evident

Notes:

* Values given in Snellen decimal notation.

** A value of at least 0.7 in one eye is recommended to reduce the risk of undetected underlying eye disease.]

MEDICAL CERTIFICATE

To contain as a minimum the following information:

1. Authorizing authority and requirements under which the document is issued

2. Examinee

- 2.1 Name: *(Last, first, middle)*
- 2.2 Date of birth: *(day/month/year)*
- 2.3 Gender: *(Male/Female)*
- 2.4 Position/occupation: *(Deck, engineer, other)* If “other”, specify e.g. steward, cook
- 2.5 Nationality
- 2.6 Passport number/Discharge book number

3. Declaration of the recognized medical practitioner

- 3.1 that the examinee
 - is fit for the duties required under the “position/occupation” specified at 2.4 above;
 - is not suffering from any medical condition likely to be aggravated by service at sea or to render the seafarer unfit for such service or to endanger the health of other persons on board.

3.2 Hearing: *Satisfactory/Unsatisfactory*

Hearing aid required for satisfactory hearing? *Y/N*

3.3 Visual acuity meeting standards in STCW AI/9? *Satisfactory/unsatisfactory*

Visual aids required to meet standards? *Y/N*

Colour Vision defective? *Y/N*

3.4 *Fit for lookout duties/not fit for lookout duties*

3.5 Any limitations/ restrictions on fitness? *(Specify restrictions)*

3.6 Date of examination: *(day/month/year)*

3.7 Expiry date of certificate: *(day/month/year)*

4. Details of recognized medical practitioner

- 4.1 Official stamp of recognized medical practitioner (including name)
- 4.2 Signature of recognized medical practitioner

5. Signature of examinee

I confirm that I have been informed of the content of the certificate.

15 Section B-I/9 – Guidance regarding medical standards-Issue and registration of certificates

.1 Paragraphs 1 to 11 inclusive shall be replaced by the following:

- “1 In addition to the provisions of A-I/9, those involved in establishing seafarer medical examination procedures should take into account the guidance contained in the ILO/WHO publications *Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers (ILO/WHO/D.2./1997).*”
- 2 Appropriate qualifications and experience for the issue of medical certificates to seafarers may include occupational health or maritime health qualifications, experience of working as a ship’s doctor or a shipping company doctor or working under the supervision of someone with the above qualifications or experience.
- 3 The premises where medical examinations are carried out shall have the facilities and equipment required to carry out medical examination of seafarers. Administrations should ensure that recognized medical practitioners enjoy full professional independence in exercising their medical judgement when undertaking medical examination procedures.
- 4 Seafarers applying for a medical certificate should present to the recognized medical practitioner appropriate national identity documentation to establish their identity. They should also surrender their previous medical certificate.
- 5 Each Administration has the discretionary authority to grant a variance or waiver of any of the standards set out in tables B-I/9-1 and B-I/9-2 hereunder, based on an assessment of a medical evaluation and any other relevant information concerning an individual’s adjustment to the condition and proven ability to satisfactorily perform assigned shipboard functions. When considering a variance or waiver of eyesight standards, where the aided distant visual acuity of either eye is less than the standard in table B-I/9-1, the aided distant visual acuity in the better eye should be at least 0.2 higher than the standard indicated. The unaided distant visual acuity in the better eye should be at least 0.1.
- 6 Persons requiring the use of spectacles or contact lenses to perform duties should have a spare pair or pairs as required conveniently available on board the ship.

.2 Sub-paragraph 16.4 shall be amended as follows:

“4 Medical details

Date of issue of latest medical certificate document attesting medical fitness relating to the issue or revalidation of the appropriate certificate of competency.”

.3 Table B-I/9-2 shall be deleted.

16 Regulation I/10 – Recognition of certificates (paragraph 5.15 of STW 38/12/4)

.1 Paragraph 5 shall be amended as follows:

“5 Notwithstanding the requirement of regulation I/2, paragraph 5, an Administration may, if circumstances require, allow a seafarer to serve in a capacity, ~~other than radio officer or radio operator, except as provided by the Radio Regulations,~~ for a period not exceeding three months on board a ship entitled to fly its flag, while holding an appropriate and valid certificate issued and endorsed as required by another Party for use on board that Party’s ships but which has not yet been endorsed so as to render it appropriate for service on board ships entitled to fly the flag of the Administration. Documentary proof shall be readily available that application for an endorsement has been submitted to the Administration.”

17 Regulation I/11 – Revalidation of certificates (paragraph 5.15 of STW 38/12/4)

Paragraph 5 shall be amended as follows:

“5 For the purpose of updating the knowledge of masters, officers and radio operators, each Administration shall ensure that the texts of recent changes in national and international regulations concerning the safety of life at sea, security and the protection of the marine environment are made available to ships entitled to fly its flag.”

18 Section A-I/11 – Revalidation of certificates

Subparagraph 1.3.3 shall be amended as follows:

“3.3 having completed approved seagoing service, performing functions appropriate to the certificate held, for a period of not less than three months in a supernumerary capacity, or in a lower officer rank than that for which the certificate held is valid, or in the rank for which the certificate held is valid, immediately prior to taking up the rank for which it is valid.”

19 Regulation I/14 – Responsibilities of companies (paragraph 5.6 of STW 38/12/4)

.1 The following new subparagraphs 2a and 2b shall be inserted in paragraph 1:

“2a each seafarer assigned to any of its ships is duly qualified to perform the assigned duties;

2b seafarers assigned to any of its ships have received adequate refresher and updating training as required by the Convention;”

.2 Subparagraphs 4 and 5 are amended as follows:

“4 seafarers, on being assigned to any of its ships, receive at suitable and regular intervals familiarization training, using appropriate training and learning methods, and are familiarized with their specific duties and with

all ship arrangements, installations, equipment, procedures and ship characteristics that are relevant to their routine or emergency duties in accordance with section A-I/14, and”

“.5 the ship’s complement can effectively co-ordinate their activities in an emergency situation and in performing functions vital to safety, security ~~and~~ to the prevention or mitigation of pollution.”

20 Regulation I/14a – Communication on board (paragraph 5.8 of STW 38/12/4)

The following new regulation shall be inserted in chapter I:

“I/14a

Effective communication

“Each Administration shall hold companies responsible for ensuring that there are at all times on board all ships adequate means in place for effective oral communication and communication between the ship and the shore based authorities in accordance with chapter V, regulation 14, paragraphs 3 and 4 of the SOLAS Convention, relating to safety and security, between all members of a ship’s crew, especially with regard to the correct and timely reception and understanding of messages and instructions.”
