



SUB-COMMITTEE ON STANDARDS OF
TRAINING AND WATCHKEEPING
39th session
Agenda item 7

STW 39/7/9
29 November 2007
Original: ENGLISH

COMPREHENSIVE REVIEW OF THE STCW CONVENTION AND THE STCW CODE

Review of chapter VIII 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 VIII.

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 VIII 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 VIII OF THE STCW CONVENTION
AND THE STCW CODE**

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

STCW CONVENTION**CHAPTER VIII – WATCHKEEPING**

The title of chapter VIII shall be amended as follows:

“Chapter VIII

Working time and Watchkeeping arrangements”

.1 Regulation VIII/1 – Fitness for duty

.1 The title of this regulation shall be amended as follows:

“Regulation VIII/1

Hours of work and hours of rest ~~Fitness for duty~~

.2 The introductory paragraph and paragraph 1 shall be amended as follows:

“Each Administration shall, for the purpose of preventing fatigue:

“.1 establish and enforce for seafarers performing designated safety, prevention of pollution and security duties, either maximum number of hours of work or minimum number of hours of rest, over a given period of time, in line with the provisions of section A-VIII/1 of the STCW Code and Convention 180 of the ILO on Seafarers’ Hours of Work and the Manning of Ships, 1996, in its up-to-date version ~~rest periods for watchkeeping personnel;~~ and”

.2 Regulation VIII/2 – Watchkeeping arrangements and principles to be observed

A new subparagraph shall be inserted in paragraph 2, **after** subparagraph 4:

“5 an appropriate and effective watch or watches are maintained for the purpose of security at all times, which shall be organised by the Ship Security Officer”.

STCW Code Part A – CHAPTER VIII-STANDARDS REGARDING WATCHKEEPING

The title of chapter VIII shall be amended as follows:

“Chapter VIII

Standards regarding working time and watchkeeping”

.3 Section A-VIII/1 – Fitness for duty

Section A-VIII/1 shall be replaced by the following text:

“Section A-VIII/1

Hours of work and hours of rest ~~*Fitness for duty*~~

1 In determining the national standards, each Administration shall take account of the danger posed by fatigue of seafarers, especially those whose duties involve navigational safety and the safe and secure operation of a ship.

2 The limits on hours of work or rest¹ shall be either:

(a) maximum hours of work which shall not exceed

(i) 14 hours in any 24-hour period; and

(ii) 72 hours in any seven-day period;

or

(b) minimum hours of rest which shall not be less than:

(i) ten hours in any 24-hour period; and

(ii) 77 hours in any seven-day period.

3 Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length and the interval between consecutive periods of rest shall not exceed 14 hours.

4 Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments, shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.

¹ To provide for the corresponding definitions.

5 When a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

6 Each Party shall require the posting, in an easily accessible place, of a table with the shipboard working arrangements, which contain for every position at least:

(a) the schedule of service at sea and service in port; and

(b) the maximum hours of work or the minimum hours of rest required by the applicable national laws, regulations or collective agreements.

7 The table referred to in paragraph 6 shall be established in a standardized format in the working language or languages of the ship and in English.

8 Each Administration shall require that records of seafarers' daily hours of work or of their daily hours of rest be maintained to allow monitoring of compliance with paragraphs 2 to 5. The records shall be established in a standardized format, taking into account any available international guidelines. They shall be in the languages required by paragraph 7. Procedures are determined for keeping such records on board, including the intervals at which the information shall be recorded. The seafarers shall receive a copy of the records pertaining to them, which shall be endorsed by the master or a person authorized by the master and by the seafarers.

9 The Administration shall require that records are properly maintained on board ships and made available for verification by the Administration concerning compliance with the provisions set in this Section.

10 Nothing in this Section shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.. Accordingly, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarer who have performed work in a scheduled rest period are provided with an adequate period of rest.