
4 ALBERT EMBANKMENT
LONDON SE1 7SR
Telephone: +44 (0)20 7735 7611 Fax: +44 (0)20 7587 3210

MSC.1/Circ.1448
14 January 2013

**PROCEDURES REGARDING THE CONSIDERATION OF INFORMATION
COMMUNICATED IN ACCORDANCE WITH ARTICLE IV AND
REGULATION I/7 OF THE STCW CONVENTION
AND SECTION A-I/7 OF THE STCW CODE**

General

1 The Maritime Safety Committee, at its ninety-first session (26 to 30 November 2012), considered draft procedures necessary for the Committee to confirm that full and complete effect to the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (hereinafter "Convention"), 1978, as amended, has been given by Parties concerned.

2 Such confirmation, in accordance with the procedures adopted by the Committee, is required by regulation I/7 of the Convention, which further stipulates that, if it is confirmed that a Party is giving full and complete effect to the provisions of the Convention:

- .1 the Committee shall identify the Parties so concerned;
- .2 the Committee shall review the list of Parties which communicated information that demonstrated that they give full and complete effect to the relevant provisions of the Convention, to retain in this list only the Parties so concerned; and
- .3 other Parties shall be entitled, subject to the provisions of regulations I/4 and I/10 of the Convention, to accept, in principle, that certificates issued on behalf of the Party are in compliance with the Convention.

Confirmation procedure

3 With respect to what should be considered for the confirmation process, the Committee agreed that it should not re-evaluate the information communicated by Parties but that, instead, it should confirm that the report(s) submitted by the Secretary-General on the advice of competent persons referred to in section A-I/7, paragraph 7 of the STCW Code (hereinafter "Code"), show(s) that the procedures for the assessment of the information communicated by Parties in accordance with article IV and regulation I/7 of the Convention and section A-I/7, paragraphs 2 and 3 of the Code, have been correctly followed by the competent persons selected by the Secretary-General for this task – except when section A-I/7, paragraph 14 of the Code is applied for the reasons listed in paragraph 4 of appendix 3 to the annex to this circular, or for other reasons, in which case the Committee will decide on a case-by-case basis.

4 Whilst a Party may have been assessed as giving full and complete effect to the provisions of the Convention, assistance may be requested by that Party in circumstances such as:

- .1 the Party fully complies without, however, providing all specialized training programmes (i.e. tanker training) and requests assistance to increase its training capability; or
- .2 the Party fully complies but might wish technical assistance to comply with certain sections of part B of the Code, e.g. simulator training.

Report by the Secretary-General

5 The Committee agreed that a separate report should be made up for each Party found to have given full and complete effect to the provisions of the Convention and that the report should be accompanied by a description of the procedures followed in reviewing the information communicated, a summary of the conclusions reached in the form of a "table to assist in the consideration of materials communicated in accordance with article IV and regulation I/7 of the Convention and section A-I/7, paragraphs 2 and 3 of the Code (Comparison table)" and an indication of the areas which are not applicable to the Party concerned.

6 The Committee further agreed that the Comparison tables could assist not only competent persons in their work but that such table, if appropriately completed, would also be helpful to the Committee in confirming the Secretary-General's report that the information communicated has shown that full and complete effect had been given by a Party to the Convention and to a Party preparing the information for communication to the Secretary-General.

Confirmation tools

7 Taking into account the above, the Committee prepared "Procedures regarding the consideration of information communicated in accordance with article IV and regulation I/7 of the Convention and section A-I/7, paragraphs 2 and 3 of the Code given in the annex, which also provide:

- .1 a table to assist in the consideration of materials communicated in accordance with article IV and regulation I/7 of the Convention and section A-I/7, paragraphs 2 and 3 of the Code (Comparison table) (appendix 1);
- .2 the Format of Report to be submitted by the Secretary-General pursuant to section A-I/7, paragraph 12 of the Code (appendix 2); and
- .3 Procedures for the Maritime Safety Committee to comply with regulation I/7, paragraph 3 of the Convention (appendix 3).

Action requested

8 Member Governments and Parties to the Convention are invited to note the foregoing, inform the competent persons nominated by them and approved by the Committee for the purposes explained in the Code and be guided accordingly when preparing the information to be communicated in accordance with the provisions of article IV and regulation I/7 of the Convention and section A-I/7 of the Code.

9 This circular revokes MSC/Circ.796/Rev.1.

ANNEX

PROCEDURES REGARDING THE CONSIDERATION OF INFORMATION COMMUNICATED IN ACCORDANCE WITH ARTICLE IV AND REGULATION I/7 OF THE STCW CONVENTION AND SECTION A-I/7, PARAGRAPHS 2 AND 3 OF THE STCW CODE

General considerations

1 Parties communicate to the Secretary-General information on their implementation of the Convention, as amended, as required by article IV, paragraph 1 and regulation I/7, paragraph 1 and section A-I/7, paragraph 2. The Secretary-General acknowledges receipt of the information communicated to him and notifies all Parties accordingly.

2 Parties communicate to the Secretary-General the subsequent reports, as required by section A-I/7, paragraph 3. The Secretary-General acknowledges receipt of the information communicated to him and notifies all Parties accordingly.

3 In accordance with section A-I/7, paragraphs 7 to 11 of the Code, the Secretary-General selects a number of competent persons to be tasked with the consideration of the information provided.

4 The competent persons so selected will be provided with copies of the information communicated by Parties to the Convention under article IV and regulation I/7 of the Convention and section A-I/7, paragraphs 2 and 3 of the Code for their consideration and action. If deemed necessary, the competent persons meet and evaluate the information in accordance with section A-I/7, paragraph 10 of the Code and, on a confidential basis, provide the Secretary-General in writing with their agreed opinion or, if no agreement is reached, with both the majority and minority views.

5 If the agreed opinion or majority view of the competent persons is that the information communicated confirms that full and complete effect is given to the provisions of the Convention, the competent persons make a report to this effect to the Secretary-General with a draft report for submission to the Committee.

6 If the agreed opinion or majority view of the competent persons is that the information provided does not confirm that full and complete effect is given to the provisions of the Convention, the competent persons prepare a report to the Secretary-General stating the reasons why and recommending, as appropriate, the action the Party needs to take to resolve the matter.

7 In the former case, the Secretary-General submits a report to the Committee in accordance with regulation I/7, paragraph 2 of the Convention. In the latter case, he duly informs the Party concerned of the non-conformities and the deficiencies on which the agreed opinion or majority view is based.

8 The Committee considers, in accordance with the procedures proposed in appendix 3, the report submitted by the Secretary-General with a view to confirming that the information provided demonstrates that full and complete effect is given to the provisions of the Convention.

- 9 With respect to the foregoing, consideration should be given to the following:
- .1 the information communicated by STCW Parties should consist of the information specified in article IV (paragraphs 1(a), (b) and (c)) and regulation I/7 of the Convention and section A-I/7, paragraph 2 and, as appropriate, paragraph 3 of the Code. To keep the paperwork involved within manageable proportions, Parties should endeavour to submit only relevant parts of the required texts of legislation;
 - .2 the Secretary-General maintains a list of competent persons, approved by the Committee, as required by section A-I/7, paragraph 7 of the Code and selects from this list a "panel" comprising an odd number of competent persons, ordinarily not exceeding five, taking into account their expertise, to whom he forwards the information received;
 - .3 the report to the Committee required by regulation I/7, paragraph 2 of the Convention, prepared by the Secretary-General, taking into account the views received from the competent persons, shall include a completed table summarizing the results of the consideration of materials communicated in accordance with article IV and regulation I/7 of the Convention and section A-I/7, paragraphs 2 and/or 3, of the Code (Comparison tables), based on the draft forms contained in appendix 1;
 - .4 if appropriate, the Secretary-General will, in accordance with section A-I/7, paragraph 12.2 of the Code seek clarification from a Party on matters related to information provided and refer such information to the competent persons for evaluation; and
 - .5 the Secretary-General will, in accordance with section A-I/7, paragraph 12.3 of the Code, identify in his report to the Committee any area in which a Party, although having been assessed as giving full and complete effect to the Convention, may have requested assistance to implement the Convention.

Deadline for the receipt of information communicated

10 Whilst it is recognized that section A-I/7 of the Code stipulates within one calendar year of entry into force of regulation I/7, for the Party concerned, each Party shall report on the steps it has taken to give full and complete effect to the provisions of the Convention, each Party should, in order to provide sufficient time to have the information confirmed by the Committee, communicate complete and sufficient information to the Secretary-General not later than six months prior to the relevant session of the Committee.

Method of work of the competent persons

11 The competent persons should evaluate the information submitted by Parties using the "Table to assist in the consideration of materials communicated in accordance with article IV and regulation I/7 of the Convention and section A-I/7, paragraphs 2 and 3 of the Code (Comparison table)" given in appendix 1.

12 The amended Convention specifies two criteria upon satisfaction of which the Secretary-General reports to the Committee, i.e. "when complete information, as prescribed in article IV and section A-I/7 of the Code, has been received" and secondly when "such information confirms that "full and complete effect" is given to the provisions of the Convention".

13 The competent persons should first check whether the information submitted is complete, bearing in mind that the need to provide certain types of training and certificates depends on the demand generated by the crewing requirements of the Party's national fleet and the crewing requirements of the foreign flag's fleets crewed by the Party's seafarers. A Party's ships may also be crewed by expatriates through the recognition of certificates issued by other Parties and a Party may furthermore enter into arrangements so as to use training institutes located beyond its territorial jurisdiction for the training of its nationals (e.g. regional academies).

14 The competent persons should then evaluate whether or not the facts reported in the information are sufficient to confirm that full and complete effect is given to the applicable provisions of the Convention.

15 In particular, competent persons should not request clarification or additional information on measures implemented by a Party that are in excess of Convention requirements.

Report by the Secretary-General

16 A separate report should be made up for each Party found to have given full and complete effect to the provisions of the Convention and the report should be accompanied by a description of the procedures followed in reviewing the information communicated, a summary of the conclusions reached in the form of a comparison table and an indication of the areas which are not applicable to the Party concerned.

17 A "Format of Report to be submitted by the Secretary-General pursuant to section A-I/7, paragraph 12 of the STCW Code" is given in appendix 2.

MSC procedures to comply with STCW regulation I/7, paragraph 3 of the Convention

18 The Secretary-General's report, submitted to the Committee pursuant to regulation I/7, paragraph 2 of the Convention, should be considered directly by the Committee which could decide whether to establish a working group to deal with the matter.

19 With respect to what should be considered, the Committee or its working group will not re-evaluate the information submitted but will confirm that each report shows that the procedures for the assessment by competent persons of the information communicated by Parties have been correctly followed – except when section A-I/7, paragraph 14 of the Code is applied for the reasons listed in paragraph 4 of appendix 3 to this annex, or for other reasons, in which case the Committee will decide on a case-by-case basis.

20 A Party may be assessed as giving full and complete effect to the provisions of the Convention and, at the same time, request assistance to implement the Convention, in circumstances such as:

- .1 the Party may fully comply without, however, providing all specialized training programmes (i.e. tanker training) and request assistance to increase its training capability; or
- .2 the Party may fully comply but might wish technical assistance to comply with certain sections of part B of the Code, e.g. simulator training.

21 The Procedures for the Maritime Safety Committee to comply with regulation I/7, paragraph 3 of the Convention are given in appendix 3.

Appendix 1

TABLES TO ASSIST IN THE CONSIDERATION OF MATERIALS COMMUNICATED IN ACCORDANCE WITH ARTICLE IV AND REGULATION I/7 OF THE STCW CONVENTION AND SECTION A-I/7, PARAGRAPHS 2 AND 3 OF THE STCW CODE (COMPARISON TABLE)

These tables are intended to assist competent persons to:

- .1 determine that the information communicated to IMO by a Party to the Convention is **complete**; and
- .2 in relation to section A-I/7, paragraph 2 of the Code, **evaluate** that it is sufficient to sustain a conclusion that it "confirms that full and complete effect is given to the provisions of the Convention", in accordance with regulation I/7, paragraph 2; or
- .3 in relation to section A-I/7, paragraph 3 of the Code, **evaluate** whether the subsequent report is sufficient to conclude compliance with the relevant provisions of the Convention and Code.

A determination of the completeness and sufficiency of the material being evaluated should be based on "a comparison of the facts reported in the information communicated to the Secretary-General by the Party with all the relevant requirements of the Convention", in accordance with section A-I/7, paragraph 11.1 of the Code. If a particular requirement does not apply to the Party concerned, the "not applicable" box will be marked with N/A. Where, in the opinion of the competent person, the information provided is complete, the appropriate "cell" in the table should be marked with a check (✓). Where, in the opinion of the competent person, the evaluation confirms full and complete effect has been given to the relevant provision, the appropriate cell should be marked with a check. Cells marked with a zero (0) indicate that the information is incomplete or that full and complete effect has not been demonstrated.

**CONSIDERATION OF THE INFORMATION COMMUNICATED IN ACCORDANCE WITH
SECTION A-I/7, PARAGRAPH 2 OF THE STCW CODE**

(NAME OF PARTY).....

	Reference	Information		Convention regulations to be met (includes Code)	Evaluation	
		Not applicable	Complete		Implementation measures*	Monitoring and compliance measures**
Article IV(1)(a)						
1	Text of laws, decrees, orders, regulations and instruments			articles VI, VIII and IX, chapters I to VIII Part A of the Code		
Article IV(1)(b)						
2	For each certificate full details of:	Contents and duration of study of courses		chapter I: I/6 and I/8 chapters II to VII		
3		National examination and other requirements				
Article IV(1)(c)						
4	Specimen certificates			article VI chapter I: I/2 and I/9		

	Reference	Information		Convention regulations to be met (includes Code)	Evaluation		
		Not applicable	Complete		Implementation measures*	Monitoring and compliance measures**	
A-I/7, paragraph 2.1							
5	Contact details and organization chart	Name			chapter I, regulation I/2		
		Postal address					
		Telephone numbers					
		Fax numbers					
		E-mail address					
		Organization chart					
A-I/7 paragraph 2.2							
6	Explanation of:	Legal measures			chapter I, regulations I/2, I/3, I/5, I/6, I/8, I/9, I/10, I/11, I/14 and I/15		
		Administrative measures				chapter VIII	

	Reference	Information		Convention regulations to be met (includes Code)	Evaluation		
		Not applicable	Complete		Implementation measures*	Monitoring and compliance measures**	
A-I/7, paragraph 2.3							
7	Statement of policies adopted concerning	Education			chapter I, regulations I/6, I/8, I/9, I/11 and I/12		
		Training				chapters II to VII	
		Examination					
		Competency assessment					
		Certification			chapter I, regulations I/2, I/5, I/8, I/9, I/10 and I/11	chapters II to VII	
A-I/7, paragraph 2.4							
8	For each certificate a summary of:	Courses			chapter I, regulations I/6, I/8 and I/12		
		Training				chapters II to VII	
		Examination					
		Assessment					

	Reference	Information		Convention regulations to be met (includes Code)	Evaluation	
		Not applicable	Complete		Implementation measures*	Monitoring and compliance measures**
A-I/7, paragraph 2.5						
9	A concise outline of procedures and related conditions to authorize, accredit or approve:	Training		chapter I: I/6, I/8, I/9, I/11 and I/12		
		Examination			chapters II to VII	
		Medical fitness				
		Competency Assessments				
10	A list of authorizations, accreditations and approvals granted			regulation I/7		
A-I/7, paragraph 2.6						
11	Summary of the procedures followed in granting any dispensation under article VIII			chapter I: I/2 and I/5		
A-I/7, paragraph 2.7						
12	The results of the comparisons carried out pursuant to regulation I/11			chapter I: I/11		
13	A concise outline of refresher and upgrading training mandated			chapters II to VII		

* Includes: legal instruments adopted or enacted and administrative arrangements.

** Includes: procedures for overseeing and verifying compliance and corrective measures.

**CONSIDERATION OF THE INFORMATION COMMUNICATED IN ACCORDANCE WITH
ARTICLE IV AND SECTION A-I/7, PARAGRAPH 3 OF THE STCW CODE**

(NAME OF PARTY).....

	Reference	Information		Convention regulations to be met (includes Code)	Evaluation	
		Not applicable	Complete		Implementation measures*	Monitoring and compliance measures**
A-I/7, paragraph 3.1***						
14	Full description of any equivalent education or training arrangements pursuant to article IX			article IX chapters II to VIII		
A-I/7, paragraph 3.2***						
15	A summary of measures taken to ensure compliance with regulation I/10			chapter I: I/2 and I/10		
A-I/7, paragraph 3.3***						
16	A specimen copy of safe manning documents issued to ships employing seafarers holding alternative certificates under regulation VII/1			chapter I: I/7		

* Includes: legal instruments adopted or enacted and administrative arrangements.

** Includes: procedures for overseeing and verifying compliance and corrective measures.

*** The information required under paragraphs 3.1, 3.2 and 3.3 and the report of the independent evaluation at intervals not exceeding five years, required under paragraph 4, may not be available at the time of the initial submission.

General Evaluation: Is the material communicated sufficient to support a conclusion that the information "confirms that full and complete effect is given to the provisions of the Convention" in accordance with regulation 1/7, paragraph 2?

_____ Yes

_____ No

Comments:

.....
Date

.....
Signature

Appendix 2

**FORMAT OF REPORT TO BE SUBMITTED BY THE SECRETARY-GENERAL
PURSUANT TO SECTION A-I/7, PARAGRAPH 12 OF THE STCW CODE**

Report of the Secretary-General of the International Maritime Organization to the Maritime Safety Committee, at its [...] session, on the implementation of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, by [name of Party], in accordance with the provisions of regulation I/7, paragraph 2, thereof

1 The Secretary-General of the International Maritime Organization, having solicited and taken into account the views expressed by competent persons, selected from the list established pursuant to section A-I/7, paragraph 7 of the Seafarers' Training, Certification and Watchkeeping (STCW) Code, reports that the Government of [name of Party], Party to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, has communicated information as required by article IV of the Convention and section A-I/7, paragraph(s) 2 and 3* of the Code, and that the information considered by the competent persons referred to in section A-I/7, paragraph 9 of the Code has demonstrated that full and complete effect is given by [name of Party] to the provisions of the 1978 Convention, as amended.

2 Whilst [name of Party] has been assessed as having given full and complete effect to the provisions of the Convention, [name of Party] has requested assistance to implement the Convention in the following areas**:

- .1
- .2
- .etc.

3 A description of procedures followed, a summary of conclusions reached (using the Comparison table) and an indication of the areas which are not applicable to [name of Party] are attached.

4 The Maritime Safety Committee is invited to consider this report and attachments for the purpose of confirming that the information provided shows that full and complete effect is given by [name of Party] to the provisions of the 1978 Convention, as amended.

* Delete, as appropriate.

** To be completed, as appropriate.

Appendix 3

PROCEDURES FOR THE MARITIME SAFETY COMMITTEE TO COMPLY WITH REGULATION I/7, PARAGRAPH 3 OF THE STCW CONVENTION

1 On receiving (a) report(s), submitted by the Secretary-General in accordance with regulation I/7, paragraph 2 of the 1978 Convention, as amended, the Committee will consider the report(s) and, if deemed necessary, convey them to a working group established to meet concurrently with the Committee, under the terms of reference given in paragraph 2 below.

2 The working group will, on the basis of the report(s) and the outcome of the discussions in the Committee:

- .1 confirm that the report(s) show that the procedures for the assessment of the information provided by Parties have been correctly followed and advise the Committee accordingly; and
- .2 advise the Committee, as necessary, to urge the Organization to secure technical assistance to enable the Party(ies) concerned to enhance training in those areas of the Convention, as may be identified in the report of the Secretary-General.

3 The Committee, when receiving a direct request from a Party to the Convention, as provided for in section A-I/7, paragraph 14 of the Code will consider such request and take action as outlined in paragraphs 4, 5 and 6 below.

4 The Committee should be informed by the relevant Party and by the Secretary-General why section A-I/7, paragraph 14 of the Code is invoked, which could, normally, be due to the following reasons:

- .1 the information communicated by a Party was found, by the Secretary-General, to be incomplete and clarification was being sought;
- .2 the information communicated by a Party was found, by the Secretary-General, not to demonstrate that full and complete effect was being given to the provisions of the Convention; or
- .3 the Secretary-General was, due to time constraints, unable to submit a report to the Committee in time to meet the agreed deadline for the submission of documents.

5 With respect to the appropriate action by the Committee to cover the possibilities listed under paragraphs 4.1 to 4.3 above, the Committee will convey all relevant material to a working group established to meet concurrently with the Committee which, on the basis of the material provided, will:

- .1 consider the request by the Party(ies) to take the action contemplated by regulation I/7, paragraph 3 of the Convention;
- .2 consider the evaluation done by the competent persons;

- .3 consider the Secretary-General's reason for not submitting the report called for by regulation 1/7, paragraph 2 of the Convention;
- .4 confirm that the procedures for the assessment of the information provided by the Party(ies) concerned have been correctly followed; and
- .5 advise the Committee what action should be taken.

6 If section A-I/7, paragraph 14 of the Code is applied for reasons other than those listed in paragraph 4 above, the Committee will decide on a case-by-case basis.
