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MSC.1/Circ.1449
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**GUIDANCE ON THE PREPARATION, REPORTING AND REVIEW OF
INDEPENDENT EVALUATIONS AND STEPS TAKEN TO IMPLEMENT
MANDATORY AMENDMENTS REQUIRED BY REGULATION I/7
OF THE STCW CONVENTION**

1 The Maritime Safety Committee (MSC) at its ninety-first session (26 to 30 November 2012), in order to facilitate the preparation, reporting and review of independent evaluations and steps taken to implement mandatory amendments required by regulations I/7, paragraph 1, and I/8, paragraphs 2 and 3, of the STCW Convention (hereinafter "Convention") and sections A-I/7, paragraphs 4, 5 and 6, and A-I/8, paragraph 3 of the STCW Code (hereinafter "Code"), has agreed to the amended procedures as set out below.

Application

2 The requirements of regulation I/8 and section A-I/8 of the Code, as amended by the Manila Amendments entered into force on 1 January 2012, require an independent evaluation of the quality standards system to be conducted at intervals of not more than five years. Under the provisions of section A-I/7, paragraph 4, the report of such evaluation shall be made within six months of its completion and, as required by paragraph 9, shall be considered by competent persons.

3 Parties should note that the independent evaluation pursuant to regulation I/8 of the Convention is related to Administrations rather than the training institutions. In this context, Administrations are required to ensure that all training institutions follow a prescribed quality standards system and are independently evaluated at intervals of not more than five years.

4 In order to assist Parties to carry out the independent evaluation, terms of reference for independent evaluators are set out in annex 1.

5 Pursuant to section A-I/7, paragraph 5, Parties shall report the steps taken to implement any subsequent mandatory amendments to the Convention and Code, not previously included in the report on the initial communication of information pursuant to regulation I/7 of the Convention or any previous independent evaluation report, and this information shall be included in the next independent evaluation report, following the entry into force of the amendment.

Contents of the report

6 On completion of an independent evaluation, pursuant to paragraph 2 of regulation I/8, the Party concerned should prepare a consolidated report on the results of the evaluation and the steps taken to implement any subsequent mandatory amendments to the Convention and Code for submission to the Secretary-General. The report is to be submitted

at intervals of not more than five years, covering all aspects of training and the administration of the certification system, and should contain the information as set out in paragraphs 4 to 6 of section A-1/7 of the Code. Guidance on an index of materials to be submitted is provided in section B-1/7 of the Code.

7 Parties are reminded that when a report is made in an official language of the Organization, but which is not the official language of the Party, every effort should be made and particular care should be taken to ensure that the translations are accurate to avoid misunderstandings.

Action to be taken by competent persons in accordance with section A-1/7, paragraph 9

8 When a report is received from any Party under regulation 1/8, paragraph 3 of the Convention, the Secretary-General will designate competent persons from the list maintained in accordance with section A-1/7, paragraph 7 of the Code, to consider the report and provide their views in relation to section A-1/7, paragraph 9 of Code.

9 On completion of their consideration of the report, the competent persons shall, on a confidential basis, provide their view in writing to the Secretary-General in the format given in annex 2, and as required by paragraph 11 of section A-1/7 of the Code. In the event that the competent persons are unable to reach an affirmative conclusion on the criteria provided for in section A-1/7, paragraph 9 of Code, the competent persons should seek additional information or clarifications from the Party concerned, through the Secretary-General, to assist them to reach their conclusion.

Action to be taken by the Secretary-General and the Maritime Safety Committee

10 The Secretary-General, taking into account the views expressed by the competent persons, shall submit a timely report to the Maritime Safety Committee when the information received from the competent persons confirms that "full and complete effect" is given to the provisions of regulation 1/8 of the Convention and section A-1/7, paragraphs 4, 5 and 6 of the Code.

11 The Maritime Safety Committee, having received the reports of the Secretary-General, shall at the earliest possible time identify those Parties which have satisfied the requirements of regulation 1/8 of the Convention and section A-1/7, paragraphs 4, 5 and 6 of the Code.

12 Member Governments are invited to be guided accordingly and to bring this circular to the attention of all parties concerned.

13 This circular revokes MSC/Circ.997.

ANNEX 1

TERMS OF REFERENCE FOR INDEPENDENT EVALUATOR(S)

When conducting an independent evaluation, pursuant to regulations I/7 and I/8 of the Convention and sections A-I/7 and A-I/8, and the guidance provided in sections B-I/7 and B-I/8 of the Code, as amended, the following shall be taken into account:

- .1 quality assurance and audit functions of: the administration of training, assessment of competence, certification including issue of certificates of competency, medical certificates, endorsements and revalidation of certificates;
- .2 administrative responsibilities for arrangements for internal audits and management reviews;
- .3 the level of knowledge, understanding and skills appropriate to examinations and assessments required for each certificate are identified;
- .4 education and training objectives and related standards of competence are clearly defined;
- .5 procedures followed to authorize, accredit or approve training courses, medical fitness, and competency assessment pursuant to the provisions prescribed in the Convention and Code, as amended; and
- .6 implementation of mandatory amendments to the Convention and Code which entered into force after the previous independent evaluation.

Standards, specification and legislation relevant to the above activities:

- .1 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended;
- .2 Seafarers' Training, Certification and Watchkeeping Code, as amended;
- .3 National laws, regulations and administrative guidance related to the implementation of the Convention; and
- .4 Quality Standards System of [country's name], as appropriate.

ANNEX 2

**INFORMATION COMMUNICATED IN ACCORDANCE WITH
REGULATIONS I/7 AND I/8 OF THE STCW CONVENTION AND
SECTIONS A-I/7, PARAGRAPHS 4, 5 AND 6, AND A-I/8 OF THE STCW CODE**

(NAME OF PARTY)

	Reference	Information	Convention regulations to be met (includes Code)	Evaluation	
		Complete		Implementation measures	Monitoring and compliance measures
	A-I/7, paragraph 4			Refer to section A-I/7, paragraph 9	
	<p>Report of results of evaluations carried out pursuant to regulation I/8 covering:</p> <p>Qualifications and experience of those who conducted the evaluation;</p> <p>Terms of reference for the independent evaluation and those of the evaluators</p> <p>List of training institutions/centres covered by the independent evaluation results of the independent evaluation, including:</p> <p>.1 verification that: all applicable provisions of the Convention and Code, including their amendments, are covered by the Party's quality standards system in accordance with section A-I/8, paragraph 3.1;</p> <p>.2 all internal management control and monitoring measures and follow-up actions comply with planned arrangements and documented procedures and are effective in ensuring achievement of defined objectives in accordance with section A-I/8, paragraph 3.2.</p>				

	Reference	Information	Convention regulations to be met (includes Code)	Evaluation	
		Complete		Implementation measures	Monitoring and compliance measures
	<p>Brief description of:</p> <p>.1 non-conformities found, if any, during the independent evaluation corrective measures recommended to address the identified non-conformities;</p> <p>.2 corrective measures recommended to address the identified non-conformities; and</p> <p>.3 corrective measures carried out to address the identified non-conformities.</p>				
	A-I/7, paragraphs 5 and 6			Refer to section A-I/7, paragraph 11.3	
	<p>Information on the steps taken to implement mandatory amendments to the Convention and Code shall include the following, where applicable:</p> <p>.1 concise explanation of the legal and administrative measures provided and taken to ensure compliance with the amendment;</p> <p>.2 concise summary of any courses, training programmes, examinations and assessments provided to comply with the amendment;</p> <p>.3 concise outline of the procedures followed to authorize, accredit or approve training and examinations, medical fitness and competency assessments required under the amendment;</p>				

	Reference	Information	Convention regulations to be met (includes Code)	Evaluation	
		Complete		Implementation measures	Monitoring and compliance measures
	.4 concise outline of any refresher training and upgrading training required to meet the amendments; and .5 comparison between the measures to implement the amendment and existing measures contained in previous reports pursuant to regulation I/7, paragraph 1 and/or regulation I/8, paragraph 2, where applicable.				

General Evaluation: Is the material communicated sufficient to support a conclusion that the information "confirms that full and complete effect is given to the relevant provisions of the Convention" in accordance with regulation I/8 of the Convention and section A-I/7, paragraphs 4 to 6 of the Code?

_____ Yes

_____ No

Comments:

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Date

Signature
