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TRAINING AND WATCHKEEPING

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 sixty-eighth session (28 May to 6 June 1997), 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 (STCW), 1978, as amended, has been given by Parties concerned.

2 Such confirmation, in accordance with procedures adopted by the Committee, is required by regulation I/7 of the STCW 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; and
- .2 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 5 of the STCW Code, show(s) that the procedures for the assessment of the information communicated by Parties have been correctly followed by the competent persons selected by the Secretary-General for this task - except when section A-I/7, paragraph 11 of the STCW 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 STCW Convention, assistance may be requested by that Party in circumstances such as:

- .1 the Party complies for the period 1997 to 2002 but requires technical assistance to remain in compliance once the transitional provisions expire;
- .2 the Party fully complies without, however, providing all specialized training programmes (i.e. tanker training) and requests assistance to increase its training capability; or

- .3 the Party fully complies but might wish technical assistance to comply with certain sections of part B of the STCW 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 STCW 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 STCW Convention and section A-I/7 of the STCW 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 table 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 STCW Convention and section A-I/7 of the STCW Code" given at 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 STCW Convention and section A-I/7 of the STCW Code (Comparison table) (appendix 1);
- .2 the Format of Report to be submitted by the Secretary-General pursuant to section A-I/7, paragraph 9, of the STCW Code (appendix 2); and
- .3 Procedures for the Maritime Safety Committee to comply with regulation I/7, paragraph 3 of the STCW Convention (appendix 3).

8 The Committee, at its sixty-ninth session (11 to 20 May 1998), taking into account the experience gained by the first panel of competent persons, requested the Secretariat to issue this revised circular to include agreed amendments to the annex and the comparison table in appendix 1 to the annex.

Action requested

9 Member Governments and Parties to the STCW 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 STCW 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 STCW Convention and section A-I/7 of the STCW Code.

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 OF THE STCW CODE****General considerations**

1 Parties communicate to the Secretary-General information on their implementation of the 1978 STCW Convention, as amended, as required by article IV, paragraph 1 and regulation I/7, paragraph 1. The Secretary-General acknowledges receipt of the information communicated to him and notifies all Parties accordingly.

2 In accordance with section A-I/7, paragraphs 5 and 9 of the STCW Code, the Secretary-General selects a number of competent persons to be tasked with the consideration of the information provided.

3 The competent persons so selected will be provided with copies of the information communicated by Parties to the STCW Convention under article IV and regulation I/7 of the STCW Convention and section A-I/7 of the STCW 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 7 of the STCW 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.

4 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.

5 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.

6 In the former case, the Secretary-General submits a report to the Committee in accordance with regulation I/7, paragraph 2 of the STCW 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.

7 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.

8 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 STCW Convention and section A-I/7, paragraph 2 and, as appropriate, paragraph 3, and/or paragraph 4 of the STCW Code. To keep the paperwork involved within manageable proportions, Parties should endeavour to submit only relevant parts of the required texts of legislation. Document STCW.7/Circ.4 gives an Index of materials to be submitted in

- accordance with article IV and regulation I/7 of the STCW Convention, intended to assist competent persons as appropriate;
- .2 the Secretary-General maintains a list of competent persons, approved by the Committee, as required by section A-I/7, paragraph 5 of the STCW 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 STCW 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 STCW Convention and section A-I/7 of the STCW Code (Comparison table), based on the draft form contained in appendix 1;
 - .4 if appropriate, the Secretary-General will, in accordance with section A-I/7, paragraph 9.2 of the STCW Code, seek clarification of 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 9 of the STCW 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 STCW Convention, may have requested assistance to implement the Convention.

Deadline for the receipt of information communicated

9 Whilst it is recognized that section A-I/7 of the STCW Code stipulates that by 1 August 1998, or within one calendar year of entry into force of regulation I/7, whichever is later 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, each Party should 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

10 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 STCW Convention and section A-I/7 of the STCW Code (Comparison table)" given in appendix 1.

11 The amended STCW 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 STCW Code, has been received" and secondly when "such information confirms that "full and complete effect" is given to the provisions of the Convention".

12 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 fleets crewed by the Party's seafarers. A Party's ships may also be crewed by ex-patriates 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).

13 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.

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

Report by the Secretary-General

15 A separate report should be made up for each Party found to have given full and complete effect to the provisions of the STCW 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.

16 A "Format of Report to be submitted by the Secretary-General pursuant to section A-I/7, paragraph 9 of the STCW Code", is given in appendix 2.

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

17 The Secretary-General's report, submitted to the Committee pursuant to regulation I/7, paragraph 3 of the STCW Convention, should be considered directly by the Committee which could decide whether to establish a working group to deal with the matter.

18 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 11 of the STCW 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.

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

- .1 the Party may comply for the period 1997 to 2002 but requires technical assistance to remain in compliance once the transitional provisions expire;

- .2 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
- .3 the Party may fully comply but might wish technical assistance to comply with certain sections of part B of the STCW Code, e.g. simulator training.

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

APPENDIX 1

**TABLE 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 OF THE STCW CODE
(COMPARISON TABLE)**

This table is intended to assist competent persons to:

- .1 determine that the information communicated to IMO by a Party to the STCW Convention is **complete**; and
- .2 **evaluate** that it is sufficient to sustain a conclusion that it "confirms that full and complete effect is given to the provisions of the STCW Convention", in accordance with regulation I/7, paragraph 2.

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 8.1 of the STCW 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 0 (zero) indicate that the information is incomplete or that full and complete effect has not been demonstrated.

- .3 consider the Secretary-General's reason for not submitting the report called for by regulation I/7, paragraph 2 of the STCW 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 11 of the STCW Code is applied for reasons other than those listed in paragraph 4 above, the Committee will decide on a case-by-case basis.
