

MARITIME SAFETY COMMITTEE  
96th session  
Agenda item 12

MSC 96/12/2  
8 March 2016  
Original: ENGLISH

## HUMAN ELEMENT, TRAINING AND WATCHKEEPING

### Provision of STCW-related documentation to port State control officers and other third-party inspection regimes

Submitted by the United States and International Chamber of Shipping (ICS)

#### SUMMARY

*Executive summary:* This document identifies an inconsistency in the interpretation of the International Convention on Standards of Training, Certification and Watchkeeping of Seafarers (STCW), 1978, as amended, relating to the provision of documentary evidence to port State control officers and other third-party inspection regimes, and proposes that appropriate guidance is developed by the Organization to provide necessary clarity

*Strategic direction:* 5.2

*High-level action:* 5.2.2

*Output:* 5.2.2.1; 5.2.2.3

*Action to be taken:* Paragraph 9

*Related documents:* None

#### Introduction

1 At the third session of the Sub-Committee on Human Element, Training and Watchkeeping (HTW 3), the United States and ICS raised concerns with the increasing problem in certain regions of the world and within certain industry sectors, relating to requests for documentary evidence when none is required by the STCW Convention. Specifically, the United States and ICS have continued to receive reports that port State control officers (PSCOs) and representatives from third-party inspection regimes are requesting training course completion certificates with references to the applicable IMO model courses. The request for the course completion certificate or for documentary evidence to contain reference to an IMO model course are not in keeping with requirements of the STCW Convention, and result in additional administrative burdens on Administrations, companies and seafarers.

### **STCW documentary requirements**

2 The STCW Convention and Code are specific in their requirements for carriage of documentation, and the relevant regulations and sections provide these requirements. However, the most salient reference is provided in regulation I/4 on Control procedures. This regulation states that an inspection should be confined to the "verification in accordance with article X(1) that all seafarers serving on board who are required to be certificated in accordance with the Convention hold an appropriate certificate or a valid dispensation, or provide documentary proof that an application for an endorsement has been submitted to the Administration in accordance with regulation I/10, paragraph 5."

3 Further, the co-sponsors note that in paragraph 3 of appendix 11 to the *Procedures for Port State Control* (resolution A.1052(27)), the text of STCW Convention regulation I/4 is principally repeated for purposes of guidance to PSCOs. Specifically, the paragraph states inter alia, that "Control exercised by the PSCO should be limited to verification that all seafarers serving on board, who are required to be certificated, hold an appropriate certificate or a valid dispensation, or provide documentary proof that an application for an endorsement has been submitted to the Administration."

4 There are no references within the STCW Convention or the procedures for port State control to the need of PSCOs or other inspectors to review course completion certificates, as part of their work. As such, expansion of the inspection to review these course completion certificates is misaligned with existing Convention requirements and guidance.

### **IMO model courses**

5 With regard to IMO model courses, the co-sponsors note that section A-I/2 of the STCW Code, paragraph 6, states: "In approving training courses and programmes, Parties should take into account that the relevant IMO Model Courses can assist in the preparation of such courses and programmes and ensure that the detailed learning objectives recommended therein are suitably covered." Taking this into account, the co-sponsors infer that the purpose of the model courses is not to provide Administrations and training institutions with a course for implementation. Rather, it is to provide an outline for the applicable entity to create or improve its own courses. The use of model courses by Administrations or training institutions is not mandatory and, therefore, these same entities are not required to implement them or reference them on course completion certificates.

6 The co-sponsors also note that annually, the HTW Sub-Committee undertakes the process of validating any draft model courses submitted to it. However, the validation of model courses by the HTW Sub-Committee means that it found no grounds to object to their contents. The validation procedure merely ensures that draft model courses are not interpretations of the Convention and its requirements. The co-sponsors iterate that the HTW Sub-Committee does not approve the model courses and, therefore, they cannot be regarded as official interpretations of the STCW Convention.

7 Taking into account the above, the co-sponsors consider that any requirement to reference the applicable model course number on a course completion certificate, and furthermore, that an inspector could require such a reference to show compliance with required training is inappropriate, and does not conform to the requirements of the Convention. Administrations are not required to use the model courses when approving training courses to meet the requirements of the Convention. If Administrations or course providers choose to include the applicable model course number on the course completion certificate, that is their prerogative, but it is not mandated by the STCW Convention. As noted in paragraph 4 above,

inspectors and other external parties should take an STCW Convention certificate as prima facie evidence of conformance with the STCW Convention and any applicable training.

### **Way forward**

8 The United States and ICS propose that this issue should be considered by the HTW Sub-Committee at its next session, and that appropriate guidance, such as a circular, be developed at that meeting to provide clarity on the provision of documentary evidence in accordance with the STCW Convention.

### **Action requested of the Committee**

9 The Committee is invited to consider the proposal in paragraph 8 and take action, as appropriate.

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