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TRAINING AND WATCHKEEPING  
4th session  
Agenda item 5

HTW 4/5/2  
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**GUIDANCE FOR THE IMPLEMENTATION OF THE 2010 MANILA AMENDMENTS**

**Guidance on the certificates and documentary evidence required under the STCW Convention, as amended, and provision of the documentation for verification**

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

**SUMMARY**

*Executive summary:* To assist with consideration of document MSC 96/12/2, this document provides proposals for appropriate guidance on the certificates and documentary evidence required under the STCW Convention, as amended, and provision of the documentation for verification, as well as related possible inputs to the III Sub-Committee for consideration during the revision of the *Procedures for Port State Control* (resolution A.1052(27))

*Strategic direction:* 5.2

*High-level action:* 5.2.2

*Output:* 5.2.2.1

*Action to be taken:* Paragraph 13

*Related documents:* HTW 3/18/2, HTW 3/19; MSC 96/12/2 and MSC 96/25

**Background**

1 At the third session of the Sub-Committee on Human Element, Training and Watchkeeping (HTW 3), the United States and ICS raised concerns about requests for documentation not required by the STCW Convention, 1978, as amended. It was reported that an increasing number of incidents had occurred where port State control officers (PSCOs) and representatives from third-party inspection regimes requested documentation not required by the STCW Convention. Specifically, training course completion certificates containing references to IMO model courses were requested.

2 To address the issue, at the ninety-sixth session of the Maritime Safety Committee (MSC 96) the United States and ICS submitted document MSC 96/12/2, which identified a potential inconsistency in the interpretation of the STCW Convention relating to the provision of STCW documentation to PSCOs and other third-party inspection regimes. The co-sponsors proposed that appropriate guidance, such as a circular, be developed by the HTW Sub-Committee to provide the necessary clarity.

3 MSC 96 agreed that the proposed guidance should be developed and, subsequently instructed HTW 4 to:

- .1 consider document MSC 96/12/2 under its agenda item on "Guidance on the implementation of the 2010 Manila Amendments (5.2.2.1)", along with relevant proposals submitted to that session on this issue; and
- .2 provide relevant input to the III Sub-Committee for its consideration on this matter (having considered the need to avoid multiple references in IMO documents and recalling that the III Sub-Committee was currently reviewing the *Procedures for Port State Control* (resolution A.1052(27))).

### **Discussion**

4 This document by the co-sponsors is aimed to complement consideration of document MSC 96/12/2 by the Sub-Committee. It provides proposals for appropriate guidance on the certificates and documentary evidence required under the STCW Convention and provision of the documentation for verification, as well as related possible inputs to the III Sub-Committee for consideration during the revision of the *Procedures for Port State Control* (resolution A.1052(27)).

### **STCW Convention-related documentation**

5 The co-sponsors note that the STCW Convention, 1978, as amended, has specific requirements regarding the carriage and provision of STCW Convention-related documentation for verification by seafarers on board ships. The relevant definitions and documentation requirements are as follows:

- .1 regulation I/1 contains the definitions for "certificate of competency", "certificate of proficiency" and "documentary evidence." Therefore, the documentation required by the STCW Convention is fully specified therein, meaning that only such documentation should be available and appropriate to request for review;
- .2 section B-I/2 provides a list that identifies all certificates or documentary evidence described in the Convention which authorize the holder to serve in certain capacities on board ships. The list also references the relevant regulations and the requirements for endorsement, registration and revalidation. Therefore, the list provided in table B-I/2 comprehensively summarizes the documentation required by the STCW Convention; and
- .3 regulation I/4 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." Therefore, the documents that should be available during the course of the inspection or survey are explicitly established by the STCW Convention and Code.

6 The co-sponsors also note that paragraph 3 of appendix 11 of resolution A.1052(27) on *Procedures for Port State Control* 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." Therefore, the guidance further emphasizes the scope of the control measures and the applicable documentation specified in the STCW Convention.

7 The co-sponsors further note that there are no references in the STCW Convention, 1978, as amended, or the *Procedures for Port State Control* (resolution A.1052(27)), to the verification of documentation other than those explicitly established and specified in the STCW Convention. Therefore, there is no appropriate basis in the STCW Convention for PSCOs, recognized organizations, or any other relevant parties, to request to review any other documents related to the training of seafarers, such as those attesting to the completion of specific courses or training. Requests for the provision of other documentation, such as documents attesting to the completion of specific courses or training or documentation that make references to IMO model courses, are not in accordance with the requirements of the STCW Convention or the relevant guidance of the Organization. Such expansions of inspections or requests of this nature result in significant additional and unnecessary administrative burdens on Administrations, companies and seafarers.

### **Status of IMO model courses**

8 The co-sponsors note that model courses developed by the Organization are referenced in the STCW Convention, 1978, as amended, where their status is established, as follows:

- .1 section A-1/2 of the STCW Code, paragraph 6, states that "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." Therefore, their stated purpose is not to prescribe a course outline and syllabus for Administrations and training institutions for implementation. Rather, a model course provides an example of one approach to a course that covers the competence or competencies set out in the STCW Code. The use of model courses by Administrations or training institutions is not mandatory, with other approaches being equally valid and encouraged. Administrations and training institutions are not required to utilize model courses during implementation of the STCW Convention, and by extension, are not required to reference them on any documents issued attesting to completion of a course or training; and
- .2 the STCW Code contains a number of footnotes that refer to the relevant model courses; however, document HTW 3/18/2 (Secretariat) informed that footnotes are not considered part of the STCW Convention and Code since they do not appear in the authentic text of the STCW Convention and Code. As such, all footnotes in the STCW Code are non-mandatory, including those referencing model courses. At HTW 3, the Sub-Committee clarified that "IMO model courses only provided guidance to facilitate the development of training programmes to meet the objectives of the STCW Code and are not mandatory" (paragraph 18.17 of document HTW 3/19).

9 The co-sponsors also note that the HTW Sub-Committee undertakes the process of developing, reviewing and validating any draft model courses submitted to each session. The "validation" of model courses by the HTW Sub-Committee at a session means that "... it had found no grounds to object to their contents. In doing so, the Sub-Committee had not approved the documents and they could not, therefore, be regarded as official interpretations of the

Convention" (for example, see paragraph 3.35 of HTW 3/19). Therefore, the co-sponsors consider that any request for documentation that references a model course is an inappropriate interpretation that does not conform to the requirements of the STCW 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 this is not mandated by the STCW Convention.

### **Proposal**

10 In light of the decision at MSC 96 that appropriate guidance be developed, the co-sponsors propose that a STCW.7 circular is prepared by the HTW Sub-Committee. The proposed circular would provide the necessary guidance on the certificates and documentary evidence required to be carried on board under the STCW Convention, in order to address the inconsistency in the interpretation of the Convention. A draft proposal for the STCW.7 circular is set out in annex 1 of this document.

11 The co-sponsors propose, in light of the decision at MSC 96 that advice should be given to the III Sub-Committee, that this issue is addressed during the revision of the *Procedures for Port State Control* (resolution A.1052(27)), specifically that the main body and the appendix of the guidance are amended to ensure alignment with the STCW Convention requirements. Draft proposals for amendments to consider during the revision of the *Procedures for Port State Control* (resolution A.1052(27)) are set out in annex 2 of this document.

12 The purpose of the two proposals is to ensure that appropriate guidance is provided to all relevant parties, particularly taking into account the *Procedures for Port State Control* (resolution A.1052(27)) are addressed to PSCOs and that STCW.7 circulars can be addressed to a wider audience and are versatile in their use.

### **Action requested of the Sub-Committee**

13 The Sub-Committee is invited to consider the proposals in paragraphs 10 and 11 and in the annexes to this document, and take action, as appropriate.

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## ANNEX 1

### DRAFT STCW.7/Circ.[...]

#### INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978, AS AMENDED

##### **Advice for port State control officers, recognized organizations and other relevant parties on the certificates and documentary evidence required under the STCW Convention, 1978, as amended, and provision of the documentation for verification**

1 The Sub-Committee on Human Element, Training and Watchkeeping, at its fourth session (30 January to 3 February 2017), noted with concern problems associated with requests for documentation during inspections or surveys that are not required by the STCW Convention, 1978, as amended, that were resulting in significant additional and unnecessary administrative burdens on Administrations, companies and seafarers. It was also noted that the problems were linked to inconsistencies in interpretations regarding the status of IMO model courses.

2 The Sub-Committee noted that, under regulation I/2 of the STCW Convention, 1978, as amended, the documentation authorizing the holder to serve in certain functions on board ship are certificates of competency and certificates of proficiency and, only with regard to regulation V/2, documentary evidence. The list of certificates or documentary evidence required under the STCW Convention is found in table B-I/2 of the STCW Code.

3 The Sub-Committee noted that certificates of competency, certificates of proficiency and documentary evidence issued in accordance with chapters II, III, IV, V, VI and VII of the STCW Convention, 1978, as amended, are evidence of having successfully completed the required training and that the required standard of competence has been achieved.

4 The Sub-Committee also noted that, whilst IMO model courses may assist with the development of training programmes, their use is not mandatory and Administrations may use them when preparing and approving training courses to meet the objectives of the STCW Code, as amended.

5 The Sub-Committee further noted that the validation of an IMO model course means that no reason was found to object to its contents, but it does not mean that it is an official interpretation of the Convention, or that a model course was approved by the Sub-Committee.

6 The Sub-Committee, therefore, agreed that:

- .1 in accordance with regulation I/4 of the STCW Convention, 1978, as amended, seafarers should not be required to provide documentation for verification that is not required by the Convention; and
- .2 it is not required for certificates or documentary evidence issued under the STCW Convention, 1978, as amended, to contain references to IMO model courses.

7 Member States are invited to be guided accordingly and to bring the guidance in this circular to the attention of all concerned, in particular, port State control officers, recognized organizations and other relevant parties.

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## ANNEX 2

### DRAFT PROPOSED AMENDMENTS TO THE PROCEDURES FOR PORT STATE CONTROL, 2011 (RESOLUTION A.1052(27))

**In Chapter 2, "Initial Inspections" of the Procedures for Port State Control, consider amending section 2.2 as follows:**

2.2.3 On boarding and introduction to the master or the responsible ship's officer, the PSCO should examine the ship's relevant certificates and documents required by the applicable conventions, as listed in appendix 12. When examining 1969 International Tonnage Certificates, the PSCO should be guided by appendix 10. When examining certificates or documentary evidence of seafarers issued in accordance with the STCW Convention, 1978, as amended, the PSCO should be guided by appendix [11]. The list of certificates or documentary evidence required under the STCW Convention, 1978, as amended, is also found in table B-1/2 of the STCW Code.

2.2.4 If the certificates required by the applicable conventions are valid and the PSCO's general impression and visual observations on board confirm a good standard of maintenance, the PSCO should generally confine the inspection to reported or observed deficiencies, if any.

2.2.5 In conducting an initial inspection, the PSCO should check both the validity of the relevant certificates and other documents required by the applicable conventions and the overall condition of the ship, including its equipment, navigational bridge, decks including forecastle, cargo holds/areas, engine-room and pilot transfer arrangements.

**In section 5, "Definitions and Abbreviations" of the draft proposed "Guidelines for port State control officers on certification of seafarers, hours of rest and manning" (annex 1 of document III 3/WP.6), which is anticipated to replace appendix 11 in the revised Procedures for Port State Control, consider amending paragraph 5.3 as follows:**

5.3 Documentary evidence means documentation, other than a Certificate of Competency or Certificate of Proficiency, used to establish that the relevant requirements of the STCW Convention, 1978, as amended, have been met. The only documentary evidence required under the STCW Convention, 1978, as amended, is issued to personnel meeting the mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on passenger ships (regulation V/2).

**In section 6.2, "Initial Inspection – Seafarers' certificates and documents" of the draft proposed "Guidelines for port State control officers on certification of seafarers, hours of rest and manning" (annex 1 of document III 3/WP.6), which is anticipated to replace appendix 11 in the revised Procedures for Port State Control, consider inserting a new paragraph 6.2.2ter as follows:**

6.2.2ter The verification should be limited to the seafarers' certificates and documents required under the STCW Convention, 1978, as amended. Certificates of Competency, Certificates of Proficiency and documentary evidence issued in accordance with chapters II, III, IV, V, VI and VII of the STCW Convention, 1978, as amended, are evidence of having successfully completed the required training and that the required standard of competence has been achieved by the holder.