

SUB-COMMITTEE ON HUMAN ELEMENT,
TRAINING AND WATCHKEEPING
4th session
Agenda item 5

HTW 4/5/5
25 November 2016
Original: ENGLISH

GUIDANCE FOR THE IMPLEMENTATION OF THE 2010 MANILA AMENDMENTS

Issues identified during implementation of the 2010 Manila Amendments to the STCW Convention and Code

**Submitted by the International Chamber of Shipping (ICS)
and Cruise Lines International Association (CLIA)**

SUMMARY

Executive summary: This document provides information and comments on experience gained during the implementation of the 2010 Manila Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, taking account also of concerns expressed at MSC 97 and the subsequent issuance of MSC.1/Circ.1560

Strategic direction: 5.2

High-level action: 5.2.2

Output: 5.2.2.1

Action to be taken: Paragraph 16

Related documents: MSC 97/22; HTW 3/5 and HTW 3/19

Background

1 The 2010 Manila Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, entered into force on 1 January 2012.

2 At the ninety-seventh session of the Maritime Safety Committee (MSC 97), a number of delegations expressed concerns regarding the implementation of the 2010 Manila Amendments, particularly in light of the imminent end on 31 December 2016 of the transitional provisions in accordance with regulation I/15 of the STCW Convention.

3 The concerns relate to the difficulty experienced by some seafarers to obtain appropriate certificates and endorsements attesting to qualification in accordance with

the 2010 Manila Amendments in a timely manner, and casting doubt over whether such issues would be resolved sufficiently before the end of the transition period on 31 December 2016.

4 After an in-depth discussion, the Committee, recognizing the difficulties identified, issued an MSC circular (MSC.1/Circ.1560) that provided advice for Parties, Administrations, port State control authorities, recognized organizations and other stakeholders in cases where seafarers do not hold certificates or endorsements in accordance with the 2010 amendments to the STCW Convention and Code from 1 January 2017. In cases where a seafarer's documentation complies with the requirements in force immediately prior to 1 January 2017, but were found not to be in accordance with the 2010 Manila Amendments, port State control authorities, until 1 July 2017, were advised to take a pragmatic and practical approach during inspections and other enforcement activities, and to notify the ships, seafarers and Administrations concerned accordingly.

5 Furthermore, aware of the need to ensure effective implementation of the provisions of the Convention, the Committee instructed HTW 4 to consider the issues related to implementation of the 2010 Manila Amendments to the STCW Convention and Code, and to report to the next session of the Committee.

Discussion

6 The 2010 Manila Amendments introduced new and updated mandatory minimum standards of competence for seafarers to reflect developments and emerging technologies in the industry.

7 There are many stakeholders in different capacities who are involved in ensuring that seafarers hold appropriate certificates and endorsements in accordance with the STCW Convention, 1978, as amended, for service on board ships. The interdependency between stakeholders and the interrelated actions required of them, may have significantly contributed to the practical difficulties experienced in the effective implementation of the 2010 Manila Amendments before the end of the transition period.

8 Based on information that has been drawn to the attention of the co-sponsors, the difficulties experienced with implementation of the 2010 Manila Amendments include issues related to timing, capacity, interpretation of the requirements and practical matters.

Timing issues

9 Delays in implementation related to:

- .1 preparation of national legislation as necessary and appropriate, and associated communication of information to all stakeholders concerned;
- .2 identification of refresher and updating training or assessment required to be undertaken by seafarers, and associated necessary approvals;
- .3 availability of relevant new and updated IMO model courses;
- .4 identification of affected seafarers and associated appropriate certification and training requirements;
- .5 availability of refresher and updating training courses or assessments; and
- .6 actual issuance of appropriate certificates and endorsements.

Capacity issues

- 10 Insufficient capacity for implementation related to:
- .1 measures to process large numbers of applications for certificates and endorsements; and
 - .2 measures to ensure sufficient availability of training courses and assessments to meet demand.

Interpretation issues

- 11 Inconsistency, and in some cases confusion, in interpreting the 2010 Manila Amendments related to:
- .1 introduction of new seafarer grades;
 - .2 hierarchy of training requirements;
 - .3 limitations specified on certificates and endorsements;
 - .4 refresher training requirements, including the linkage to other certificates;
 - .5 updating training requirements; and
 - .6 the status of IMO model courses, specifically with regards to the ability to develop and approve required courses to meet the objectives of the amendments.

Practical matters

- 12 Practical matters related to:
- .1 lack of (or limited) certification of seafarers in certain grades;
 - .2 lack of common understanding regarding relevance of the STCW Convention and Code, as amended, to overall ship's manning and safe manning as required under SOLAS;
 - .3 seafarers holding certificates valid beyond 31 December 2016 that were not issued in accordance with the 2010 Manila Amendments; and
 - .4 ability of seafarers to attend the required training courses or assessments in the time available resulting from the delays in implementation, taking into account existing seagoing assignments or contracts.

13 Despite these observations and experiences, the co-sponsors acknowledge that the 2010 Manila Amendments were, in many cases, implemented in a timely manner. During the transition period, many seafarers were able to complete refresher and updating training or assessments as required and obtained appropriate certificates and endorsements ready for 1 January 2017.

14 Taking into account the discussion and outcome of MSC 97, the co-sponsors consider that HTW 4 should give consideration to the issues and matters identified in paragraphs 6 to 13

above, with a view to achieving further enhancements to the effective, timely and consistent implementation of these and any future amendments to the STCW Convention and Code.

Proposal

- 15 The co-sponsors propose that the Sub-Committee:
- .1 consider possible actions that may be taken to address these and other relevant, related issues, including potential development of appropriate guidance; and
 - .2 identify any lessons learnt regarding implementation of the 2010 Manila Amendments to the STCW Convention and Code, to facilitate effective, timely and consistent implementation of these and any future amendments.

Action requested of the Sub-Committee

16 The Sub-Committee is invited to consider the information provided and the proposal in paragraph 15, and take action, as appropriate.
