

SUB-COMMITTEE ON HUMAN ELEMENT,  
TRAINING AND WATCHKEEPING  
10th session  
Agenda item 6

HTW 10/6/11  
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## COMPREHENSIVE REVIEW OF THE 1978 STCW CONVENTION AND CODE

### Comments on document HTW 10/6

#### Submitted by ICS

#### SUMMARY

*Executive summary:* This document highlights some industry concerns within the report of the Correspondence Group on the Comprehensive Review of the 1978 STCW Convention and Code (HTW 10/6) which may undermine the comprehensive nature of the review of the 1978 STCW Convention and Code.

*Strategic direction, if applicable:* 6

*Output:* 6.17

*Action to be taken:* Paragraph 19

*Related documents:* HTW 10/6; HTW 9/7, HTW 9/7/4 and HTW 9/15

#### Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.5) and comments on the report of the Correspondence Group, document HTW 10/6 submitted by Sweden.

#### Background

2 HTW 9 established the Correspondence Group on the Comprehensive Review of the 1978 STCW Convention and Code, under the coordination of Sweden (HTW 9/15, paragraph 7.26).

3 The Correspondence Group was instructed to:

- .1 preliminarily undertake the identification of the specific areas to be reviewed;
- .2 prepare a road map for the comprehensive review of the STCW Convention and Code, based on document HTW 9/7/4;

- .3 prepare draft terms of reference in accordance with the template set out in annex 3 to document HTW 4/3 for the revision of Model Course 1.21 on Personal Safety and Social Responsibilities to include the competence on prevention and response to bullying and harassment, including SASH; and
- .4 submit a report to HTW 10.

4 The Correspondence Group, with the participation of ICS, conducted its work from May to October 2023 and has accordingly submitted a report in document HTW 10/6. ICS thanks the coordinator and the Correspondence Group for the work accomplished.

5 ICS would like to highlight some industry concerns that will need further consideration and discussion within the working group to be established at HTW 10.

#### **Preliminary list of specific areas identified for the comprehensive review of the STCW Convention and Code (ToR 1)**

6 Paragraph 5.5 of document HTW 10/6 refers to the discussions within the Correspondence Group in relation to reviewing the articles of the Convention. ICS considers that there was no agreement reached at HTW 9 or after discussions within the Correspondence Group on including articles within the scope of review areas.

7 ICS would like to thank the coordinator for including the last sentence in paragraph 5.5, i.e. "The preamble to annex 1 of this report is worded not to preclude the possibility of reviewing the articles if it is determined to be necessary".

#### ***Discussion***

8 ICS believes that for a review to be truly comprehensive, the articles should be subjected to a review as well. The same applies when the objective is to be met to make the Convention fit for the future. If and when issues regarding the articles are identified, the next step will be to consider if amending the articles is required or that matters can be addressed in a different manner. In other words, reviewing the articles does not necessarily lead to the same being revised as well.

9 Some of the articles identified by ICS members and other industry stakeholders include:

- .1 Article II (Definitions) – In view of new technological developments in relation to Maritime Autonomous Surface Ships (MASS), the inclusion of a definition of the term "Seafarer" could be considered, pending the outcome of a discussion whether or not the STCW Convention and Code will accommodate MASS. Consequentially, "MASS operator" would also need to be defined following developments of the MASS Code. "Certificate" and "Certificated" merit review to consider electronic certification. The definition for "Organization" is archaic.
- .2 Article III (Application) – It is specified that the Convention "shall apply to seafarers serving on board seagoing ships entitled to fly the flag of a Party except to those serving on board...". Pending the outcome of a discussion about whether the Convention would apply to MASS, this article would need to be reviewed and possibly revised.

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- .3 Article IX (Equivalents) – In combination with regulation I/13 (Conduct of trials) with the aim to ensure that the Convention provides sufficient flexibility to accommodate innovation.
- .4 Article XVII (Languages) – The article merits a review to make it in line with modern developments.

10 The examples provided in paragraph 9 above are only intended as an explanation to support our strong opinion that for a comprehensive nature of the review process in line with the principles outlined in annex 9 of HTW 9/15, the articles must be included.

11 With reference to the discussions detailed in paragraph 5.5 of document HTW 10/6 regarding possible delays in the implementation of the revised Convention due to the explicit acceptance procedure in the event of amending the articles, ICS is of the view that this should not prevent a review of the articles. When issues are identified as a result of the review, avenues could be explored to address subject issues in another way than by amending the articles.

### **Road map for the comprehensive review of the STCW Convention and Code (ToR 2)**

12 The Correspondence Group completed the task of preparing a road map for the comprehensive review of the STCW Convention and Code. The Group used document HTW 9/7/9 as a basis for the work and included relevant parts from submissions to HTW 9 under agenda item 7 and the discussions made in plenary.

#### ***Discussion***

13 In the road map presented in annex 2 of HTW 10/6, no distinction is made between a review stage and a revision stage, with the consideration of proposed amendments to begin at some time in between MSC 108 and MSC 109.

14 ICS believes that the process to be followed should involve a comprehensive review which is followed by a targeted revision. This had been proposed originally in paragraph 12 of document HTW 9/7 (ICS).

15 ICS observes that paragraph 8 of document HTW 9/7/4 (Australia et al.) also propounded the same principle which was accepted at HTW 9 to be taken as the base document towards preparing the ToR and road map.

16 Paragraph 12.2 of HTW 9/7 (ICS) and paragraph 8.2 of HTW 9/7/4 (Australia et al.) identically propose that the second stage, i.e. revision stage, begins after agreement by all Parties on the specific areas considered as requiring revision, which signals the end of the first stage, i.e. review stage. Paragraph 12.2.1 of HTW 9/7 (ICS) and paragraph 8.2.1 of HTW 9/7/4 (Australia et al.) signal the start of the second stage, i.e. revision stage, with:

"agreeing a methodology for the revision taking account of the aims and principles ..."

17 ICS believes that terms of reference for submission of proposals for specific amendments, assessment of the merits of the submission and agreement on the proposed amendments must be established before embarking on the second stage, i.e. revision stage.

18 Therefore, ICS is of the opinion that the earlier sessions of the Sub-Committee and any intersessional working groups or correspondence groups established should be solely tasked with reviewing the Convention and Code. Subsequently the latter sessions of the

Sub-Committee and any intersessional working groups or correspondence groups established should be tasked with revising the Convention and Code, based on the outcome of the preceding review process. The road map should be revised accordingly.

**Action requested of the Sub-Committee**

19 The Sub-Committee is invited to consider the concerns raised in paragraphs 6 to 18 and take action, as appropriate.

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