
Shipping Act 1990

THE REPUBLIC OF KIRIBATI
(No. 6 of 1990)

I assent,

I. Tabai

(Signed)
1/11/90

AN ACT TO UPDATE AND MODERNISE THE LAW RELATING TO SHIPPING AND FOR CONNECTED PURPOSES

Commencement: 1990

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

PART I PRELIMINARY

Short title

1. This Act may be cited as the Shipping Act and shall come into operation on such date as the Minister may by notice appoint.

Interpretation

2. (1) In this Act, unless the context otherwise requires -

"Code" means the document titled "South Pacific Maritime Code" published by the Forum Secretariat, Suva, Fiji, in 1986 and having as its object the development of uniform maritime standards among member countries of the South Pacific Forum;

"Convention" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 as amended from time to time where such amendments are accepted by the Government pursuant to the provisions of Article XII of the Convention;

"licensing officer" means a person appointed to be a licensing officer under section 3;

"member country" means a country the government of which agrees to apply the provisions of the Code and otherwise undertakes to conform to the requirements of the Code;

"passenger" means any person carried on board a vessel with the knowledge or consent of the owner or master of the vessel but does not include -

(a) a person engaged in any capacity on board the vessel in the business of the vessel; or

(b) a child under the age of 1 year;

"Near-coastal voyage" means voyage, trade or operation of a vessel between -

(a) a port or place within the Gilberts Group of islands in Kiribati and another port or place within the Gilberts Group of Islands in Kiribati;

(b) a port or place within the Phoenix Group of Islands in Kiribati and another port or place within the Phoenix Group of islands in Kiribati; or

(c) a port or place within the Line Group of islands in Kiribati and another port or place within the Line Group of islands in Kiribati;

"Pacific region voyage" means a voyage, trade or operation of a vessel between a port or place inside the area bounded by -

(a) the parallels of latitude 15° North and 47° South; and

(b) the meridians of longitude 130° East and 130° West, and another port or place in that area, not being a near coastal voyage;

"Unlimited voyage" means a voyage, trade or operation of a vessel between a port or place outside the area bounded by -

(a) the parallels of latitude 15° North and 47° South; and

(b) the meridians of longitude 130° East and 130° West and another port or place inside that area, or outside it;

"vessel" means anything made or used to carry by water or to hold or contain on water any human being or goods or property whatsoever but excludes -

(i) a vessel belonging to the defence force of any country;

(ii) a vessel employed solely in navigation on lagoons, lakes, rivers and inland waters;

(iii) the life boat, raft, work boat, or launch which forms part of the equipment of a larger vessel and is being used as such; and

(iv) a punt, barge or other work boat whose sole means of propulsion is by man power or by towing.

(2) For the purposes of the Interpretation and General Clauses Ordinance (Cap. 46), the section headings in this Act shall be deemed to be marginal notes.

PART II LICENSING OFFICERS AND THEIR FUNCTIONS

Appointment of licensing officers

3. Licensing officers, who shall be public officers, may be appointed to grant licences and certificates under the terms of this Act and districts may be assigned to such licensing officers.

Appointment of inspectors

4. Inspectors, who shall be public officers, may be appointed to act as inspectors in the districts mentioned in section 3 to report to the licensing officers of the respective districts upon the condition of vessels brought to them for inspection, and to examine candidates applying for certificates of competency under the provisions of this Act.

Powers of inspectors and offences connected therewith

5. (1) Every inspector appointed under section 4 may at all reasonable hours -

- (a) board any vessel for the purpose of examining the hull, machinery, boats, wireless apparatus, equipment or any materials belonging to or on board such vessel in order to ascertain whether the provisions of this Act or any regulations made thereunder have been complied with;
- (b) enter and inspect any premises the entry or inspection of which appears to him to be requisite for purpose of the report which he is directed to make; or
- (c) require the attendance of all such persons as he may consider necessary to appear before him for a like purpose and may require answers to any questions he may consider necessary to put and may require the production of any books, papers, log or such other document as he may consider necessary.

(2) If any person without reasonable excuse (proof whereof shall lie on him) does any of the following acts or things, namely -

- (a) fails to attend before an inspector or to give any answer or to produce any document or to make or sign any declaration or to allow any copies to be taken of any document; or
- (b) prevents or impedes any inspector in the execution of his duty on board a vessel elsewhere or knowingly misleads or deceives any inspector,

such person commits an offence under this Act.

PART III

CERTIFICATES OF COMPETENCY AND SEAWORTHINESS

Examinations

6. (1) Examinations shall be instituted for persons who wish to obtain certificates of competency according to the grades specified pursuant to this Act.

(2) All applicants for examination for certificates of competency shall pay the appropriate fee prescribed:

Provided that no fee shall be payable where the applicant is a public officer required to possess a certificate of competency in connection with his duties in a Government vessel.

Grant of certificates of competency

7. A licensing officer shall deliver to any applicant who has passed the prescribed examination satisfactorily and has given satisfactory evidence of his sobriety, ability and general good conduct, a certificate of competency to the effect that he is competent to act in the capacity therein described.

Penalty for engagement to service without proper certificate

8. Any person who -

- (a) having been engaged to serve in any capacity for which a certificate is required under this Act goes to sea or serves in any vessel without being at the time possessed of the necessary certificate;
- (b) employs any person in any such capacity in such a vessel who at the time is not possessed of such certificate;
- (c) navigates or causes to be navigated any such vessel without the proper complement of officers or engineers required by the Code manning scale,

commits an offence under this Act and shall for each such offence, be liable -

- (i) in the case of the owner, to a fine not exceeding \$10,000.00 or imprisonment for a term not exceeding 2 years or to both such fine and imprisonment; and
- (ii) in the case of the master, to a fine not exceeding \$2,000.00 or imprisonment not exceeding 6 months or to both such fine and imprisonment.

Cancellation and suspension of certificates

9. (1) A licensing officer may, if, after due enquiry, he is satisfied that the holder of any certificate issued under section 7 is unfit to discharge his duties, cancel, suspend or lower the grade of such certificate, as he may think fit.

(2) Any licensing officer exercising these powers shall report the result of his decision to the Minister and no new certificate of any grade shall be granted or a certificate restored without the approval of the Minister.

(3) Any person aggrieved by any decision of a licensing officer may appeal against such decision to the Minister, who may, if he thinks fit, order a further enquiry with a view to restoring the certificate cancelled, suspended or lowered in grade.

(4) For the purposes of such enquiry the licensing officer or the Minister shall have the powers of a magistrates' court.

Certificates of seaworthiness

10. (1) A licensing officer may grant to a vessel a certificate of seaworthiness in the form prescribed or as near thereto as circumstances permit and such certificate shall be liable to be revoked at any time on good cause by the licensing officer.

(2) The certificate referred to in subsection (1) shall state -

- (a) whether the vessel in respect of which the certificate is granted shall be employed in Near-coastal voyage, Pacific region voyage or Unlimited voyage;
- (b) the name of the owner of the vessel;
- (c) the number of passengers (including crew) and the quantity of cargo which may be carried under different circumstances;
- (d) the period during which the vessel may be engaged in any voyage; and
- (e) the date on which the certificate shall expire.

(3) Such certificate shall, unless revoked, remain in force for not more than 12 months from the date hereof:

Provided always that if any such vessel has been absent from Kiribati for 30 days previous to the date of expiration of the certificate last granted in respect of such vessel, such last certificate, if not revoked, shall continue in force till the return of such vessel to Kiribati.

Penalty on ship proceeding to sea without certificate

11. (1) No vessel whatever its means of propulsion, shall proceed upon any voyage or excursion unless such vessel has a certificate of seaworthiness issued under section 10 or by other competent authority, valid and unexpired, which must be produced together with the certificates of competency of the officers and engineer required for the voyage to a customs officer before any clearance can be obtained or on demand by any lawfully appointed officer.

(2) Any master or owner of a vessel which proceeds upon any voyage or excursion in contravention of this section commits an offence and shall be liable on conviction to a fine not exceeding \$1000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment:

Provided that where the owner of such vessel is a limited company or other corporation, such limited company or other corporation shall for any such offence as above mentioned be liable to a fine not exceeding \$2000 recoverable by distress.

Limit of passengers to be carried

12. Any master or person in charge of any vessel who carries a greater number of passengers than is specified in such vessel's certificate shall be liable to a fine of \$50 per day for each excess passenger so carried or, in default, to imprisonment for a term not exceeding 3 months.

Fees for certificates of seaworthiness

13. The owner of any vessel requiring a certificate of seaworthiness under this Act shall pay on application such fee as may be prescribed.

PART IV

LICENSING OFFICERS' POWER TO DETAIN AND MASTERS' AND/OWNERS' DUTY TO REPORT DAMAGE TO, OR LOSS OF, VESSELS

Survey to be made if a vessel reported to be unseaworthy

14. (1) When a licensing officer has received a complaint, or has reason to believe that any vessel is, by reason of the defective condition of her hull, equipment or machinery or by reason of overloading, unfit to proceed to sea without serious danger to human life, he may direct an inspector to survey such vessel and the equipment and machinery thereof.

(2) The licensing officer may, if he thinks that a vessel referred to in subsection (1) cannot proceed to sea without serious danger to human life make such order as he may think fit as to-

(a) the detention of the vessel; or

(b) after such detention, the release of the vessel either absolutely or upon the performance of such conditions with respect to the execution of repairs or alterations or the loading or reloading of cargo as he may impose,

and the licensing officer may also from time to time vary or add to such order and a copy of such order any alteration thereof shall be served as soon as possible on the owner or master of the vessel.

Master or owner to report loss of, or damage to, vessel

15. (1) Whenever any vessel is lost or sustains damage either in her hull or any part of her machinery, the owner or master of such vessel shall, at the earliest opportunity, make to the licensing officer who gave the vessel her current certificate of seaworthiness, a report of such accident or damage stating the name of such vessel, the port to which she belongs and, in the case of damage, the location of the vessel.

(2) The owner or master of a vessel who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding \$500 or in default to a term of imprisonment not exceeding 6 months.

PART V REGULATIONS AND GENERAL PENALTY FOR OFFENCES

Regulations

16. The Minister may make regulations under this Act and prescribe penalties for the breach thereof in regard to -

(i) all such matters as may be prescribed;

(ii) the qualifications of applicants for certificates of competency;

(iii) the standards for seaworthiness, equipment and machinery of all vessels engaged in trade or passenger traffic;

(iv) the requirements as regards safety at sea equipment;

(v) the lights to be shown, signals to be used, and the sailing rules to be observed;

(vi) the marking, naming or numbering of vessels; and

(vii) generally for giving effect to, and carrying out the provisions of, this Act, the Convention and the Code and for their due administration.

General penalty

17. Any person committing any offence against any of the provisions of this Act for which no specific penalty is provided, or against any of the regulations made under this Act, shall be

liable to a fine not exceeding \$500 or in default of payment to imprisonment for a term not exceeding 6 months.

PART VI LICENCE FEES

Licence fees for vessels registered outside Kiribati

18. Every vessel which is registered outside Kiribati and is engaged in Near-coastal voyage shall take out a licence in the form which may be prescribed and pay such fee as may be prescribed.

Licence for vessels employed in trading

19. (1) Without prejudice to section 18, no vessel shall engage in a Near-coastal voyage unless there is in force at that time a licence in the form which may be prescribed granted in respect of that vessel by the Director of Marine under this section and such fee as may be prescribed for such licence has been paid:

Provided that the Minister may by notice exempt any vessel from the restriction imposed by this subsection.

(2) Subject to subsection (3) a licence granted under this section shall -

- (a) contain such terms and conditions as regards the use for the purpose of Near-coastal voyage of the vessel concerned as the Director of Marine may in each case direct;
- (b) remain in force for 2 years:

Provided that the Director of Marine may revoke a licence where he is satisfied that there has been a wilful breach of any term or condition thereof.

(3) In exercise of the powers conferred by subsections (1) and (2) the Director of Marine shall comply with such directions as may be given to him by the Minister.

(4) Any person who uses a vessel in contravention of this section or of any term or condition contained in a licence granted under this section commits an offence and shall be liable on conviction to a fine not exceeding \$20,000 and to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

PART VII STCW CONVENTION TO HAVE FORCE OF LAW

Convention to have the force of law in Kiribati

20. (1) The Convention, a copy of which is set out in the Schedule, shall have the force of law in Kiribati.

(2) Where under the Convention the countries which are parties to the Convention have a discretion as to whether any, and if so what, action should be taken under it, that discretion may be exercised by the Minister.

(3) Where under the Convention the countries which are parties to the Convention are required to do any act or thing that act or thing shall be done by the Minister.

Certificates to be endorsed

21. Certificates of competency for masters and officers shall be endorsed to signify that the holder has been found duly qualified in accordance with the provisions of the Convention.

PART VIII CERTIFICATES, THEIR RECOGNITION AND DISPENSATIONS

Seafarers to hold proper certificates

22. (1) Every person serving on a Kiribati registered ship shall hold the appropriate certificate or other qualification for his position in accordance with the provisions of this Act and any regulations made thereunder.

(2) Where subsection (1) is contravened, the owner of the ship, its master and the person contravening that subsection each commits an offence and shall be liable on conviction -

(a) in the case of the owner, to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both such fine and imprisonment;

(b) in the case of the master, to a fine not exceeding \$2000 or to imprisonment for a term not exceeding 1 year or to both such fine and imprisonment; and

(c) in the case of the person referred to in subsection (1), to a fine not exceeding \$200 or to a term of imprisonment not exceeding 6 months or to both such fine and imprisonment.

(3) Certificates and endorsements under this Act shall be in the Kiribati and English languages and shall be in such forms as may be prescribed.

(4) The Director of Marine may issue a certificate under subsection (1) -

(a) subject to such conditions as he considers appropriate; and

(b) for any period of validity not exceeding 5 years as he considers appropriate.

Recognition of certificates

23. Where a certificate is issued by -

(a) a member country in accordance with the provisions of the Code relating to certification of seafarers;

(b) a party to the Convention in accordance with national legislation giving effect to that Convention; or

(c) a party to a bilateral or regional treaty, or other arrangement, in accordance with its national legislation,

the Director of Marine may recognise the certificate for the purpose of issuing a Kiribati certificate of equivalent or lower grade and validity, and may issue an appropriate certificate without the necessity of the applicant for the certificate having to meet the various requirements of that section other than medical fitness.

Continuing fitness and competence

24. (1) The holder of a certificate of competency to be a master or officer who is serving at sea, or who intends to return to sea after a period ashore, shall, in accordance with regulations made under this Act, satisfy the Director of Marine at regular intervals not exceeding 5 years as to his continuing medical fitness and professional competence for the capacity in which the holder of such certificate intends to serve.

(2) Where more than 5 years have elapsed since the certificate holder referred to in subsection (1) has -

(a) satisfied the Director of Marine as to his continuing fitness and competence as required by subsection (1); or

(b) performed in a substantial manner, sea-going service,

then without prejudice, but in addition, to subsection (1), the Director of Marine may require that person to perform sea-service, pass tests, oral or otherwise, or attend courses, before certifying that the holder is qualified for sea-going service.

(3) Where the Director of Marine is satisfied that the holder is fit and competent as required by subsections (1) or (2) for the position, he shall certify that the holder is qualified for sea-going service in the capacity in which the holder intends to serve, and the Director of Marine may only certify to that effect if satisfied that it will not adversely affect safety of life at sea or harm the public interest.

Dispensations

25. (1) Subject to the conditions specified in subsection (2), the Director of Marine may issue a dispensation, to the extent and on such conditions he considers appropriate, permitting a seafarer to serve in a capacity for which he is not properly certificated.

(2) The conditions referred to in subsection (1) are as follows:-

(a) a dispensation shall only be issued in circumstances of exceptional necessity;

(b) the Director of Marine must be of the opinion that granting the dispensation will not cause danger to persons, property or the environment;

(c) a dispensation shall only be issued to a named individual seafarer to serve on a named specified ship for a fixed period not exceeding 6 months;

(d) where a dispensation is to be granted to a radio officer or to a radio-telephone operator, the dispensation shall be granted in accordance with the relevant Radio Regulations of the Convention;

(e) the Director of Marine must be of the opinion that the person to whom the dispensation is to be granted is otherwise suitably qualified to fill the vacant post in a safe manner;

(f) where the dispensation will allow a person to serve as master or chief engineer officer, it shall only be granted in circumstances of force majeure, and only for the shortest possible period;

(g) subject to paragraph (h), a dispensation shall be granted to a person who is properly certificated to fill the post immediately below the vacant one; and

(h) where a certificate is not required for a lower post, the applicant for the dispensation shall satisfy the requirements of subsection (3) before he is granted the dispensation.

(3) For the purposes of subsection (2)(h), the applicant for the dispensation shall possess the qualifications and experience that, in the opinion of the Director of Marine, are of a clear equivalence to the requirements of the post to be filled, and where the person holds no appropriate certificate, he shall pass a test, oral or otherwise, accepted by the Director of Marine as demonstrating that the dispensation may be safely issued.

(4) The post referred to in subsection (3) shall be filled by a properly certificated person as soon as possible.

(5) The Director of Marine may issue a dispensation in such form as he thinks fit and, where he considers it appropriate, require an applicant for a dispensation to undergo an oral test in relevant subjects.

PART IX CONTROL OF VESSELS WHILE IN KIRIBATI PORTS

Control procedures

26. (1) Every foreign ship flying the flag of a country which is a party to the Convention is subject to control in accordance with subsection (2) while in a Kiribati port by officers lawfully authorised by the Government.

(2) The control that may be exercised by an officer acting under subsection (1) is limited to the following matters:-

(a) verification that each seafarer serving on board who is required to be certificated by national legislation of the flag state giving effect to the Convention is properly certificated or holds an appropriate dispensation;

(b) assessment of the ability of the seafarers serving on the ship to maintain watchkeeping standards as required by national legislation of the flag state giving effect to the Convention, if there are grounds for believing that the standards are not being maintained because, while in the port or port approaches, the ship has -

(i) been involved in a collision, grounding or stranding,

(ii) discharged substances in contravention of international conventions when underway, at anchor or at berth,

- (iii) been manoeuvred in an erratic or unsafe manner, or
- (iv) failed to follow navigation course markers or traffic separation schemes.

(3) Where the control officer finds any one or more of the deficiencies specified in subsection

(4), he shall give, in writing, information concerning the matter, including a statement of the deficiencies and dangers posed to persons, property and environment, to the following persons -

- (a) the master of the ship;
- (b) the diplomatic representative, consul or other appropriate representative in the port who represents the State whose flag the ship is flying; and
- (c) in the case of a Kiribati registered ship, in addition to paragraphs (a) and (b), to the Director of Marine.

(5) The deficiencies referred to in subsection (3) are as follows -

- (a) failure of seafarer required to hold a certificate to have an appropriate valid certificate or dispensation;
 - (b) failure of navigational or engine room watch arrangements to conform to the requirements specified for the ship by the flag state;
 - (c) absence in a watch of a person qualified to operate equipment essential to safe navigation or pollution prevention; and
 - (d) inability of the master to provide rested persons for the 1st watch at the commencement of the voyage or for subsequent relieving watches.
- (6) Where the ship fails to correct any of the deficiencies specified under subsection (4)(a) to the extent that it relates to certificates of persons other than ratings, or under subsection 4(b), he may, subject to subsection (6), detain the ship until such deficiency has been corrected.

(7) The control officer shall not detain any ship pursuant to subsection (5), until he has complied with subsection (3) and, in addition, sent the information required by that subsection together with a statement of the action to be taken to the Director of Marine or the appropriate representative of the flag referred to in subsection (3)(b), as the case may be.

Non-Convention vessels

27. The Minister may make regulations in respect of vessels that are excluded from the provisions of the Convention and the Code, and in particular he may make regulations in respect of vessels that are employed solely in navigation on lagoon waters, and in respect of fishing vessels.

Marine Training Centre

28. (1) Subject to section 22 and with the approval of the Director of Marine courses may be instituted at the Marine Training Centre at Betio, Kiribati, for the training and certification of seafarers.

(2) Courses may be instituted at the Marine Training Centre at Betio, Kiribati, for the training and certification of seafarers who are not otherwise subject to the Convention or the Code.

Repeals

29. The Shipping Ordinance (Cap. 93) and the Shipping (Certification of Seamen) Ordinance (Cap. 94) and any Regulations made thereunder are hereby repealed.

SCHEDULE

Final Act of the 1995 Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978

STCW Convention

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995.

and

Resolutions 3 to 14 of the Conference

International Maritime Organization London, 1996

Foreword

The international Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, was adopted by the International Conference on Training and Certification of Seafarers on 7 July 1978.

The 1978 STCW Convention entered into force on 28 April 1984. Since then three amendments thereto were adopted in 1991, 1994 and 1995.

The 1991 amendments relating to the global maritime distress and safety system (GMDSS) and conduct of trials were adopted by resolution MSC.21(59) and entered into force on 1 December 1992. The 1994 amendments on special training requirements for personnel on tankers were adopted by resolution MSC.33(63) and entered into force on 1 January 1996.

The 1995 amendments were adopted by resolution 1 of the Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Conference), which was convened by the International Maritime Organization and met at the Headquarters of the Organization from 26 June to 7 July 1995. Resolution 1 is Attachment 1 to the Final Act of the STCW Conference. The STCW Conference, by resolution 2, also adopted the Seafarers' Training, Certification and Watchkeeping (STCW) Code# (attachment 2 to the Final Act) and resolutions 3 to 14 (attachment 3 to the Final Act). The STCW Conference did not consider for amendment the

articles of the 1978 STCW Convention.

Resolution 2 of the STCW Conference and the STCW Code annexed thereto are contained in the latter part of this publication. The STCW Code contains, in:

Part A, mandatory provisions to which specific reference is made in the annex to the STCW Convention and which give, in detail, the minimum standards required to be maintained by Parties in order to give full and complete effect to the provisions of the STCW Convention; and, in

Part B, recommended guidance to assist Parties to the STCW Convention and those involved in implementing, applying or enforcing its measures to give the STCW Convention full and complete effect in a uniform manner.

* The STCW Code was circulated under cover of STCW.6/Circ.1 and STCW.6/Circ.1/Corr.1; future amendments to the STCW Code will also be circulated as STCW.6 circulars.

This part of the publication contains the text of:

- the Final Act of the 1995 STCW Conference;
- the articles of the 1978 STCW Convention;
- resolution 1 of the 1995 STCW Conference and the annexed 1995 amendments, which completely replace the annex to the 1978 STCW Convention and the 1991 and 1994 amendments thereto; and
- resolutions 3 to 14 of the STCW Conference.

The footnotes to the text of the regulations of the STCW Convention, which have been added by the IMO Secretariat, do not form part of that Convention and have been inserted for ease of reference. The IMO Secretariat has been instructed to update these references as and when appropriate. In all cases the reader must make use of the latest editions of the referenced texts, bearing in mind that such texts may have been revised or superseded by updated material since publication of this consolidated edition of the STCW Convention and STCW Conference resolutions.

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[Attachment 2 contains resolution 2: see the STCW Code]

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Final Act of the Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978

1. Pursuant to the decision of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, made during the sixty-second session (24 to 28 May 1993) of the Maritime Safety Committee of the International Maritime Organization (IMO) and subsequent decisions by IMO's Council at its seventieth session and the Assembly at its eighteenth session and, in accordance with article XII(1)(b) of the said International Convention, a Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, was convened, in consultation with the Director-General of the International Labour Office, to consider and adopt amendments to the annex to the 1978 STCW Convention and an associated Seafarers' Training, Certification and Watchkeeping (STCW) Code.

2. Upon the invitation of the International Maritime Organization, the Conference was held in London from 26 June to 7 July 1995.

3. Representatives of 71 Parties to the 1978 STCW Convention participated in the Conference, namely the representatives of-

Algeria Denmark
Angola Ecuador
Argentina Egypt
Australia Finland
Bahamas France
Belgium Gabon
Benin Germany
Brazil Ghana
Bulgaria Greece
Canada Iceland
Chile India
China Indonesia
Colombia Ireland
Cote d'Ivoire Israel
Croatia Italy
Cuba Jamaica
Cyprus Japan
Latvia Republic of Korea
Liberia Romania
Libyan Arab Jamahiriya Russian Federation
Luxembourg Saudi Arabia
Malaysia Singapore
Malta Slovenia
Marshall Islands Solomon Islands
Mexico South Africa
Myanmar Spain
Netherlands Sweden
New Zealand Tunisia
Nigeria Turkey

Norway United Arab Emirates
Panama United Kingdom of Great Britain and Northern Ireland
Papua New Guinea United States of America
Peru Uruguay
Philippines Vanuatu
Poland Venezuela
Portugal

4. The following States sent observers to the Conference-

Antigua and Barbuda
Congo
Estonia
Holy See
Iran (Islamic Republic of)
Morocco
Thailand
Ukraine

5. Hong Kong, an Associate Member of the International Maritime Organization, sent observers to the Conference.

6. The following organizations of the United Nations system were represented at the Conference:

Food and Agriculture Organization of the United Nations (FAO)
International Labour Organization (ILO)

7. The following intergovernmental organizations sent observers to the Conference:

Commission of the European Communities (EC)
League of Arab States
International Mobile Satellite Organisation (Inmarsat)
European Conference of Postal and Telecommunications Administrations (CEPT)

8. The following non-governmental organizations sent observers to the Conference:

International Chamber of Shipping (ICS)
International Shipping Federation Ltd (ISF)
International Chamber of Commerce Ltd (ICC)
International Confederation of Free Trade Unions (ICFTU)
The Baltic and International Maritime Council (BIMCO)
International Association of Classification Societies (IACS)
Latin American Shipowners' Association (LASA)
Oil Companies International Marine Forum (OCIMF)
International Maritime Pilots' Association (IMPA)
International Association of Drilling Contractors (IADC)
International Federation of Shipmasters' Associations (IFSMA)
Oil Industry International Exploration and Production Forum (E & P Forum)
International Association of Independent Tanker Owners (INTERTANKO)

Society of International Gas Tanker and Terminal Operators Limited (SIGTTO)
International Lifeboat Federation (ILF)
International Road Transport Union (IRU)
International Council of Cruise Lines (ICCL)
International Association of Dry Cargo Shipowners (INTERCARGO)
International Maritime Lecturers Association (IMLA)

9. The Conference was opened by Mr W.A. O'Neil, Secretary-General of the International Maritime Organizations.

10. The Conference elected Mr T.R. Funder, Head of the delegation of Denmark, President of the Conference.

11. The following were elected Vice-Presidents of the Conference:

Mr Ahoula Browa (Cote d'Ivoire)
Mr Badawi Abd-Elwahab (Egypt)
Mr A. Rozental (Mexico)
Mr J. Brillantes (Philippines)
Mr W.R. Dernier (South Africa)

12. The Secretariat of the Conference consisted of the following officers-

Secretary-General Mr W.A. O'Neil
Secretary-General of the Organization

Executive Secretary Mr E.E. Mitropoulos
Director, Maritime Safety Division

Deputy Executive Secretary Mr T.Fossum
Senior Deputy Director, Maritime Safety Division

Assistant Executive Mr J.L. Thompson
Secretary Deputy Director, Maritime Safety Division

13. The Conference established the following Committees-

Committee of the Whole

Chairman Captain J.H.A. Gauw (Netherlands)
Vice Chairman Captain D. Geraci (Argentina)
Vice Chairman Mr M.T. Addico (Ghana)

Drafting Committee

Chairman Mr J. Briggs (Australia)
Vice Chairman Captain F. Escobar (Ecuador)
Vice Chairman Mr J.M. Schindler (France)

Credentials Committee

Chairman Mr D. Dimitrov (Bulgaria)

14. The Drafting Committee was composed of representatives of the following States-

Australia Chile
China Ecuador
France Russian Federation
Singapore Tunisia
United States of America

15. The Credentials Committee was composed of representatives of the following States:

Bulgaria India
Peru Portugal
United Arab Emirates

16. The Conference used as the basis of its work a draft text of amendments to the annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, a draft Seafarers' Training, Certification and Watchkeeping (STCW) Code and associated draft Conference resolutions.

17. The Conference also considered proposals, comments and observations submitted to the Conference by Governments Parties to the 1978 STCW Convention and international organizations concerned.

18. As a result of its deliberations, recorded in the reports of the respective Committees and in the records of decisions of plenary meetings of the Conference and meetings of the Committee of the Whole, the Conference adopted:

- the amendments to the annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, together with resolution 1 on adoption of the amendments, which constitute attachment 1 to this Final Act; and

- the Seafarers' Training, Certification and Watchkeeping (STCW) Code, together with resolution 2 on adoption of the Code, which constitute attachment 2 to this Final Act.

19. The Conference also adopted the following resolutions set forth in attachment 3 to this Final Act:

Resolution 3: Transitional provisions

Resolution 4: Training of radio operators for the global maritime distress and safety system (GMDSS)

Resolution 5: Training in crisis management and human behaviour for personnel serving on board ro-ro passenger ships

Resolution 6: Training of personnel on passenger ships

Resolution 7: Monitoring the implications of alternative certification

Resolution 8: Promotion of the technical knowledge, skills and professionalism of seafarers

Resolution 9: Development of international standards of medical fitness for seafarers

Resolution 10: Training of maritime pilots, vessel traffic service personnel and maritime personnel employed on mobile offshore units

Resolution 11: Promotion of technical co-operation

Resolution 12: Contribution of the World Maritime University (WMU) in the achievement of enhanced standards of maritime training

Resolution 13: Revision of model courses published by the International Maritime Organization

Resolution 14: Promotion of the participation of women in the maritime industry.

20. This Final Act is established in a single original text in the Arabic, Chinese, English, French, Russian and Spanish languages and is deposited with the Secretary General of the International Maritime Organization.

21. The Secretary-General of the International Maritime Organization shall send:

(a) certified copies of this Final Act, including attachment 3, to the Governments of States invited to be represented at the Conference:

(b) certified copies of the texts of the amendments to the 1978 STCW Convention and the STCW Code, together with resolution 1 on the adoption of the amendments and resolution 2 on the adoption of the STCW Code, to all Parties to the 1978 STCW Convention, in conformity with article XII(1)(b)(ii) thereof; and

(c) copies of the texts of the amendments to the 1978 STCW Convention and the STCW Code, together with the respective associated resolutions 1 and 2, to Governments of States which are not Parties to the 1978 STCW Convention.

IN WITNESS WHEREOF the undersigned have affixed their signatures to this Final Act.*

DONE AT LONDON this seventh day of July one thousand nine hundred and ninety-five.

Signatures omitted.

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978

THE PARTIES TO THIS CONVENTION

DESIRING to promote safety of life and property at sea and the protection of the marine environment by establishing in common agreement international standards of training, certification and watchkeeping for seafarers,

CONSIDERING that this end may best be achieved by the conclusion of an International Convention on Standards of Training, Certification and Watchkeeping for Seafarers,

HAVE AGREED as follows:

Article I

General obligations under the Convention

- (1). The Parties undertake to give effect to the provisions of the Convention and the annex thereto, which shall constitute an integral part of the Convention. Every reference to the Convention constitutes at the same time a reference to the annex.
- (2). The Parties undertake to promulgate all laws, decrees, orders and regulations and to take all other steps which may be necessary to give the Convention full and complete effect, so as to ensure that, from the point of view of safety of life and property at sea and the protection of the marine environment, seafarers on board ships are qualified and fit for their duties.

Article II

Definitions

For the purpose of the Convention, unless expressly provided otherwise:

- (a) "Party" means a State for which the Convention has entered into force;
- (b) "Administrator" means the Government of the Party whose flag the ship is entitled to fly;
- (c) "Certificate" means a valid document, by whatever name it may be known, issued by or under the authority of the Administration or recognized by the Administration authorizing the holder to serve as stated in this document or as authorized by national regulations;
- (d) "Certificated" means properly holding a certificate;
- (e) "Organization" means the Inter-Governmental Maritime Consultative Organization (IMCO);*
- (f) "Secretary-General" means the Secretary-General of the Organization;
- (g) "Seagoing ship" means a ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;
- (h) "Fishing vessel" means a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;
- (i) "Radio Regulations" means the Radio Regulations annexed to, or regarded as being annexed to, the most recent International Telecommunication Convention which may be in force at any time.

Article III

Application

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:

- (a) warships, naval auxiliaries or other ships owned or operated by a State and engaged only on governmental non-commercial service; however, each Party shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that the persons serving on board such ships meet the requirements of the Convention so far as is reasonable and practicable;
- (b) fishing vessels;
- (c) pleasure yachts not engaged in trade; or
- (d) wooden ships of primitive build.

The name of the Organization was changed to "International Maritime Organization (IMO)" by virtue of amendments to the Organization's convention which entered into force on 22 May 1982.

Article IV

Communication of information

(1). The Parties shall communicate as soon as practicable to the Secretary-General:

- (a) the text of laws, decrees, orders, regulations and instruments promulgated on the various matters within the scope of the Convention;
- (b) full details, where appropriate, of contents and duration of study courses, together with their national examination and other requirements for each certificate issued in compliance with the Convention;
- (c) a sufficient number of specimen certificates issued in compliance with the Convention.

(2). The Secretary-General shall notify all Parties of the receipt of any communication under paragraph (1)(a) and, *inter alia*, for the purposes of articles IX and X, shall, on request, provide them with any information communicated to him under paragraphs (1)(b) and (c).

Article V

Other treaties and interpretation

(1). All prior treaties, conventions and arrangements relating to standards of training, certification and watchkeeping for seafarers in force between the Parties shall continue to have full and complete effect during the terms thereof as regards:

- (a) seafarers to whom this Convention does not apply;
- (b) seafarers to whom this Convention applies, in respect of matters for which it has not expressly provided.

(2). To the extent, however, that such treaties, conventions or arrangements conflict with the provisions of the Convention, the Parties shall review their commitments under such treaties, conventions and arrangements with a view to ensuring that there is no conflict between these commitments and their obligations under the Convention.

(3). All matters which are not expressly provided for in the Convention remain subject to the legislation of Parties.

(4). Nothing in the Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C(XXV) of the General Assembly of the United Nations, nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction

Article VI

Certificates

(1). Certificates for masters, officers or ratings shall be issued to those candidates who, to the satisfaction of the Administration, meet the requirements for service, age, medical fitness, training, qualification and examinations in accordance with the appropriate provisions of the annex to the Convention.

(2). Certificates for masters and officers issued in compliance with this article shall be endorsed by the issuing Administration in the form as prescribed in regulation 1/2 of the annex. If the language used is not English, the endorsement shall include a translation into that language.

Article VII

Transitional provisions

(1). A certificate of competency or of service in a capacity for which the Convention requires a certificate and which before entry into force of the Convention for a Party is issued in accordance with the laws of that Party or the Radio Regulations shall be recognized as valid for service after entry into force of the Convention for that Party.

(2). After the entry into force of the Convention for a Party, its Administration may continue to issue certificates of competency in accordance with its previous practices for a period not exceeding five years. Such certificates shall be recognized as valid for the purpose of the Convention. During this transitional period such certificates shall be issued only to seafarers who had commenced their sea service before entry into force of the Convention for that Party within the specific ship department to which those certificates relate. The Administration shall

ensure that all other candidates for certification shall be examined and certificated in accordance with the Convention.

(3). A Party may, within two years after entry into force of the Convention for that Party, issue a certificate of service to seafarers who hold neither an appropriate certificate under the Convention nor a certificate of competency issued under its laws before entry into force of the Convention for that Party but who have:

(a) served in the capacity for which they seek a certificate of service for not less than three years at sea within the last seven years preceding entry into force of the Convention for that Party;

(b) produced evidence that they have performed that service satisfactorily;

(c) satisfied the Administration as to medical fitness, including eyesight and hearing, taking into account their age at the time of application.

For the purpose of the Convention, a certificate of service issued under this paragraph shall be regarded as the equivalent of a certificate issued under the Convention.

Article VIII

Dispensation

(1). In circumstances of exceptional necessity, Administrations, if in their opinion this does not cause danger to persons, property or the environment, may issue a dispensation permitting a specified seafarer to serve in a specified ship for a specified period not exceeding six months in a capacity, other than that of the radio officer or radiotelephone operator, except as provided by the relevant Radio Regulations, for which he does not hold the appropriate certificate, provided that the person to whom the dispensation is issued shall be adequately qualified to fill the vacant post in a safe manner, to the satisfaction of the Administration. However, dispensations shall not be granted to a master or chief engineer officer except in circumstances *office majeure* and then only for the shortest possible period.

(2). Any dispensation granted for a post shall be granted only to a person properly certificated to fill the post immediately below. Where certification of the post below is not required by the Convention, a dispensation may be issued to a person whose qualification and experience are, in the opinion of the Administration, of a clear equivalence to the requirements for the post to be filled, provided that, if such a person holds no appropriate certificate, he shall be required to pass a test accepted by the Administration as demonstrating that such a dispensation may safely be issued. In addition, Administrations shall ensure that the post in question is filled by the holder of an appropriate certificate as soon as possible.

(3). Parties shall, as soon as possible after 1 January of each year, send a report to the Secretary-General giving information of the total number of dispensations in respect of each capacity for which a certificate is required that have been issued during the year to seagoing ships, together with information as to the numbers of those ships above and below 1,600 gross register tons respectively.

Article IX

Equivalents

- (1). The Convention shall not prevent an Administration from retaining or adopting other educational and training arrangements, including those involving seagoing service and shipboard organization especially adapted to technical developments and to special types of ships and trades, provided that the level of seagoing service, knowledge and efficiency as regards navigational and technical handling of ship and cargo ensures a degree of safety at sea and has a preventive effect as regards pollution at least equivalent to the requirements of the Convention.
- (2). Details of such arrangements shall be reported as early as practicable to the Secretary-General who shall circulate such particulars to all Parties.

Article X

Control

- (1). Ships, except those excluded by article 111, are subject, while in the ports of a Party, to control by officers duly authorized by that Party to verify that all seafarers serving on board who are required to be certificated by the Convention are so certificated or hold an appropriate dispensation. Such certificates shall be accepted unless there are clear grounds for believing that a certificate has been fraudulently obtained or that the holder of a certificate is not the person to whom that certificate was originally issued.
- (2). In the event that any deficiencies are found under paragraph (1) or under the procedures specified in regulation I/4, "Control procedures", the officer carrying out the control shall forthwith inform, in writing, the master of the ship and the Consul or, in his absence, the nearest diplomatic representative or the maritime authority of the State whose flag the ship is entitled to fly, so that appropriate action may be taken. Such notification shall specify the details of the deficiencies found and the grounds on which the Party determines that these deficiencies pose a danger to persons, property or the environment.
- (3). In exercising the control under paragraph (1), if, taking into account the size and type of the ship and the length and nature of the voyage, the deficiencies referred to in paragraph (3) of regulation I/4 are not corrected and it is determined that this fact poses a danger to persons, property or the environment, the Party carrying out the control shall take steps to ensure that the ship will not sail unless and until these requirements are met to the extent that the danger has been removed. The facts concerning the action taken shall be reported promptly to the Secretary-General.
- (4). When exercising control under this article, all possible efforts shall be made to avoid a ship being unduly detained or delayed. If a ship is so detained or delayed it shall be entitled to compensation for any loss or damage resulting therefrom.
- (5). This article shall be applied as may be necessary to ensure that no more favourable treatment is given to ships entitled to fly the flag of a non-Party than is given to ships entitled to fly the flag of a Party.

Article XI

Promotion of technical co-operation

(1). Parties to the Convention shall promote, in consultation with, and with the assistance of, the Organization, support for those Parties which request technical assistance for -

- (a) training of administrative and technical personnel;
- (b) establishment of institutions for the training of seafarers;
- (c) supply of equipment and facilities for training institutions;
- (d) development of adequate training programmes, including practical training on seagoing ships; and
- (e) facilitation of other measures and arrangements to enhance the qualifications of seafarers;

preferably on a national, sub-regional or regional basis, to further the aims and purposes of the Convention, taking into account the special needs of developing countries in this regard.

(2). On its part, the Organization shall pursue the aforesaid efforts, as appropriate, in consultation or association with other international organizations, particularly the International Labour Organisation.

Article XII

Amendments

(1). The Convention may be amended by either of the following procedures:

- (a) amendments after consideration within the Organization-
 - (i) any amendment proposed by a Party shall be submitted to the Secretary-General, who shall then circulate it to all Members of the Organization, all Parties and the Director-General of the International Labour Office at least six months prior to its consideration;
 - (ii) any amendment so proposed and circulated shall be referred to the Maritime Safety Committee of the Organization for consideration;
 - (iii) Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Maritime Safety Committee for consideration and adoption of amendments;
 - (iv) amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee expanded as provided for in sub-paragraph (a) (iii) (hereinafter referred to as the "expanded Maritime Safety Committee") on condition that at least one third of the Parties shall be present at the time of voting;
 - (v) amendments so adopted shall be communicated by the Secretary General to all Parties for acceptance;
 - (vi) an amendment to an article shall be deemed to have been accepted on the date on which it is accepted by two thirds of the Parties;
 - (vii) an amendment to the annex shall be deemed to have been accepted-
 - (aa) at the end of two years from the date on which it is communicated to the Parties for acceptance; or

(bb) at the end of a different period, which shall be not less than one year, if so determined at the time of its adoption by a two-thirds majority of the Parties present and voting in the expanded Maritime Safety Committee:

however, the amendments shall be deemed not to have been accepted if, within the specified period, either more than one third of Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping of ships of 1 00 gross register tons or more notify the Secretary-General that they object to the amendment;

(viii) an amendment to an article shall enter into force with respect to those Parties which have accepted it six months after the date on which it is deemed to have been accepted, and with respect to each Party which accepts it after that date, six months after the date of that Party's acceptance;

(ix) an amendment to the annex shall enter into force with respect to all Parties, except those which have objected to the amendment under sub-paragraph (a)(vii) and which have not withdrawn such objections, six months after the date on which it is deemed to have been accepted. Before the date determined for entry into force, any Party may give notice to the Secretary-General that it exempts itself from giving effect to that amendment for a period not longer than one year from the date of its entry into force, or for such longer period as may be determined by a two-thirds majority of the Parties present and voting in the expanded Maritime Safety Committee at the time of the adoption of the amendment: or

(b) amendment by a conference-

(i) upon the request of a Party concurred in by at least one third of the Parties, the Organization shall convene, in association or consultation with the Director-General of the International Labour Office, a conference of Parties to consider amendments to the Convention;

(ii) every amendment adopted by such a conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General to all Parties for acceptance;

(iii) unless the conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in sub-paragraphs (a)(vi) and (a)(viii) or sub-paragraphs (a)(vii) and (a)(ix) respectively, provided that references in these sub-paragraphs to the expanded Maritime Safety Committee shall be taken to mean references to the conference.

(2). Any declaration of acceptance of, or objection to, an amendment or any notice given under paragraph (1)(a)(ix) shall be submitted in writing to the Secretary-General, who shall inform all Parties of any such submission and the date of its receipt.

(3). The Secretary-General shall inform all Parties of any amendments which enter into force, together with the date on which each such amendment enters into force.

Article XIII

(1). The Convention shall remain open for signature at the Headquarters of the Organization from 1 December 1978 until 30 November 1979 and shall thereafter remain open for accession. Any State may become a Party by:

(a) signature without reservation as to ratification, acceptance or approval; or

- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- (c) accession.

(2). Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

(3). The Secretary-General shall inform all States that have signed the Convention or acceded to it and the Director-General of the International Labour Office of any signature or of the deposit of any instrument of ratification, acceptance, approval or accession and the date of its deposit.

Article XIV

Entry into force

(1). The Convention shall enter into force 12 months after the date on which not less than 25 States, the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping of ships of 100 gross register tons or more, have either signed it without reservation as to ratification, acceptance or approval or deposited the requisite instruments of ratification, acceptance, approval or accession in accordance with article XIII.

(2). The Secretary-General shall inform all States that have signed the Convention or acceded to it of the date on which it enters into force.

(3). Any instrument of ratification, acceptance, approval or accession deposited during the 12 months referred to in paragraph (1) shall take effect on the coming into force of the Convention or three months after the deposit of such instrument, whichever is the later date.

(4). Any instrument of ratification, acceptance, approval or accession deposited after the date on which the Convention enters into force shall take effect three months after the date of deposit.

(5). After the date on which an amendment is deemed to have been accepted under article XII, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention as amended.

Article XV

Denunciation

(1). The Convention may be denounced by any Party at any time after five years from the date on which the Convention entered into force for that Party.

(2). Denunciation shall be effected by notification in writing to the Secretary General who shall inform all other Parties and the Director-General of the International Labour Office of

any such notification received and of the date of its receipt as well as the date on which such denunciation takes effect.

(3). A denunciation shall take effect 12 months after receipt of the notification of denunciation by the Secretary-General or after any longer period which may be indicated in the notification

Article XVI

Deposit and registration

(1). The Convention shall be deposited with the Secretary-General who shall transmit certified true copies thereof to all States that have signed the Convention or acceded to it.

(2). As soon as the Convention enters into force, the Secretary-General shall transmit the text to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

Article XVII

Languages

The Convention is established in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic and German languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed the Convention.*

DONE AT LONDON this seventh day of July, one thousand nine hundred and seventy eight.

Signatures omitted.

Attachment 1 to the Final Act of the Conference

Resolution 1

Adoption of amendments to the annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978

THE CONFERENCE,

RECALLING article XII(1)(b) of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (hereinafter referred to as "the

Convention"), concerning the procedure for amending the Convention by a Conference of Parties,

HAVING CONSIDERED) amendments to the annex to the Convention proposed and circulated to the Members of the Organization and to all Parties to the Convention, to replace the existing text of the annex to the Convention.

1. ADOPTS, in accordance with article XII(1)(b)(ii) of the Convention, amendments to the annex to the Convention, the text of which is set out in the annex to the present resolution;

2. DETERMINES, in accordance with article XII(1)(a)(vii) 2 of the Convention, that the amendments annexed hereto shall be deemed to have been accepted on 1 August 1996, unless, prior to that date, more than one third of Parties to the Convention or Parties, the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping of ships of 100 gross register tons or more, have notified the Secretary-General that they object to the amendments;

3. INVITES Parties to note that, in accordance with article XII(1)(a)(ix) of the Convention, the amendments annexed hereto shall enter into force on 1 February 1997 upon being deemed to have been accepted in accordance with paragraph 2 above.

ANNEX

Amendments to the annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978

CHAPTER I **General provisions**

Regulation 1/1

Definitions and clarifications

1. For the purpose of the Convention, unless expressly provided otherwise-

(a) "Regulations" means regulations contained in the annex to the Convention;

(b) "Approved" means approved by the Party in accordance with these regulations;

(c) "Master" means the person having command of a ship;

(d) "Officer" means a member of the crew, other than the master, designated as such by national law or regulations or, in the absence of such designation, by collective agreement or custom;

(e) "Deck officer" means an officer qualified in accordance with the provisions of Chapter II of the Convention;

(f) "Chief mate" means the officer next in rank to the master and upon whom the command of the ship will fall in the event of the incapacity of the master;

(g) "Engineer officer" means an officer qualified in accordance with the provisions of chapter III of the Convention;

(h) "Chief engineer officer" means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship;

- (i) "Second engineer officer" means the engineer officer next in rank to the chief engineer officer and upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the chief engineer officer;
- (j) "Assistant engineer officer" means a person under training to become an engineer officer and designated as such by national law or regulations;
- (k) "Radio operator" means a person holding an appropriate certificate issued or recognized by the Administration under the provisions of the Radio Regulations;
- (l) "Rating" means a member of the ship's crew other than the master or an officer;
- (m) "Near-coastal voyages" means voyages in the vicinity of a Party as defined by that Party;
- (n) "Propulsion power" means the total maximum continuous rated output power in kilowatts of all the ship's main propulsion machinery which appears on the ship's certificate of registry or other official document;
- (o) "Radio duties" include, as appropriate, watchkeeping and technical maintenance and repairs conducted in accordance with the Radio Regulations, the International Convention for the Safety of Life at Sea and, at the discretion of each Administration, the relevant recommendations of the Organization;
- (p) "Oil tanker" means a ship constructed and used for the carriage of petroleum and petroleum products in bulk;
- (q) "Chemical tanker" means a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in chapter 17 of the International Bulk Chemical Code;
- (r) "Liquefied gas tanker" means a ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in chapter 19 of the International Gas Carrier Code;
- (s) "Ro-ro passenger ship" means a passenger ship with ro-ro cargo spaces or special category spaces as defined in the International Convention for the Safety of Life at Sea, 1974, as amended;
- (t) "Month" means a calendar month or 30 days made up of periods of less than one month;
- (u) "STCW Code" means the Seafarers' Training, Certification and Watchkeeping (STCW) Code as adopted by the 1995 Conference resolution 2, as it may be amended;
- (v) "Function" means a group of tasks, duties and responsibilities, as specified in the STCW Code, necessary for ship operation, safety of life at sea or protection of the marine environment;
- (w) "Company" means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the shipowner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on the company by these regulations;
- (x) "Appropriate certificate" means a certificate issued and endorsed in accordance with the provisions of this annex and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein on a ship of the type, tonnage, power and means of propulsion concerned while engaged on the particular voyage concerned;
- (y) "Seagoing service" means service on board a ship relevant to the issue of a certificate or other qualification.

2. These regulations are supplemented by the mandatory provisions contained in part A of the STCW Code and-

- (a) any reference to a requirement in a regulation also constitutes a reference to the corresponding section of part A of the STCW Code;
- (b) in applying these regulations, the related guidance and explanatory material contained in part B of the STCW Code should be taken into account to the greatest degree possible in order to achieve a more uniform implementation of the Convention provisions on a global basis;
- (c) amendments to part A of the STCW Code shall be adopted, brought into force and take effect in accordance with the provisions of article XII of the Convention concerning the amendment procedure applicable to the annex: and
- (d) part B of the STCW Code shall be amended by the Maritime Safety Committee in accordance with its rules of procedure.

3. The references made in article VI of the Convention to "the Administration" and "the issuing Administration" shall not be construed as preventing any Party from issuing and endorsing certificates under the provisions of these regulations.

Regulation I/2

Certificates and endorsements

1. Certificates shall be in the official language or languages of the issuing country. If the language used is not English, the text shall include a translation into that language.
2. In respect of radio operators, Parties may-
 - (a) include the additional knowledge required by the relevant regulations in the examination for the issue of a certificate complying with the Radio Regulations; or
 - (b) issue a separate certificate indicating that the holder has the additional knowledge required by the relevant regulations.
3. The endorsement required by article VI of the Convention to attest the issue of a certificate shall only be issued if all the requirements of the Convention have been complied with.
4. At the discretion of a Party, endorsements may be incorporated in the format of the certificates being issued as provided for in section A-I/2 of the STCW Code. If so incorporated, the form used shall be that set forth in section A-I/2, paragraph 1. If issued otherwise, the form of endorsements used shall be that set forth in paragraph 2 of that section.
5. An Administration which recognizes a certificate under regulation I/10 shall endorse such certificate to attest its recognition. The endorsement shall only be issued if all requirements of the Convention have been complied with. The form of the endorsement used shall be that set forth in paragraph 3 of section A-I/2 of the STCW Code.
6. The endorsements referred to in paragraphs 3, 4 and 5:
 - (a) may be issued as separate documents;

(b) shall each be assigned a unique number, except that endorsements at testing the issue of a certificate may be assigned the same number as the certificate concerned, provided that number is unique; and

(c) shall expire as soon as the certificate endorsed expires or is withdrawn,

suspended or cancelled by the Party which issued it and, in any case, not more than five years after their date of issue.

7. The capacity in which the holder of a certificate is authorized to serve shall be identified in the form of endorsement in terms identical to those used in the applicable safe manning requirements of the Administration.

8. Administrations may use a format different from the format given in section A-I/2 of the STCW Code, provided that, as a minimum, the required information is provided in Roman characters and Arabic figures, taking into account the variations permitted under section A-I/2.

9. Subject to the provisions of regulation I/10, paragraph 5, any certificate required by the Convention must be kept available in its original form on board the ship on which the holder is serving.

Regulation I\3

Principles governing near-coastal voyages

1. Any Party defining near-coastal voyages for the purpose of the Convention shall not impose training, experience or certification requirements on the seafarers serving on board the ships entitled to fly the flag of another Party and engaged on such voyages in a manner resulting in more stringent requirements for such seafarers than for seafarers serving on board ships entitled to fly its own flag. In no case shall any such Party impose requirements in respect of seafarers serving on board ships entitled to fly the flag of another Party in excess of those of the Convention in respect of ships not engaged on near-coastal voyages.

2. With respect to ships entitled to fly the flag of a Party regularly engaged on nearcoastal voyages off the coast of another Party, the Party whose flag the ship is entitled to fly shall prescribe training, experience and certification requirements for seafarers serving on such ships at least equal to those of the Party off whose coast the ship is engaged, provided that they do not exceed the requirements of the Convention in respect of ships not engaged on near-coastal voyages. Seafarers serving on a ship which extends its voyage beyond what is defined as a near-coastal voyage by a Party and enters waters not covered by that definition shall fulfil the appropriate competency requirements of the Convention.

3. A Party may afford a ship which is entitled to fly its flag the benefits of the nearcoastal voyage provisions of the Convention when it is regularly engaged off the coast of a non-Party on near-coastal voyages as defined by the Party.

4. Parties defining near-coastal voyages, in accordance with the requirements of this regulation, shall communicate to the Secretary-General, in conformity with the requirements

of regulation 1/7, the details of the provisions adopted.

5. Nothing in this regulation shall, in any way, limit the jurisdiction of any State, whether or not a Party to the Convention.

Regulation I/4

Control procedures

1. Control exercised by a duly authorized control officer under article X shall be limited to the following:

- (a) 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 1/10, paragraph 5;
- (b) verification that the numbers and certificates of the seafarers serving on board are in conformity with the applicable safe manning requirements of the Administration; and
- (c) assessment, in accordance with section A-I/4 of the STCW Code, of the ability of the seafarers of the ship to maintain watchkeeping standards as required by the Convention if there are clear grounds for believing that such standards are not being maintained because any of the following have occurred-
 - (i) the ship has been involved in a collision, grounding or stranding; or
 - (ii) there has been a discharge of substances from the ship when under way, at anchor or at berth which is illegal under any international convention; or
 - (iii) the ship has been manoeuvred in an erratic or unsafe manner whereby routing measures adopted by the Organization or safe navigation practices and procedures have not been followed; or
 - (iv) the ship is otherwise being operated in such a manner as to pose a danger to persons, property or the environment.

2. Deficiencies which may be deemed to pose a danger to persons, property or the environment include the following:

- (a) failure of seafarers to hold a certificate, to have an appropriate certificate, to have a valid dispensation or to provide documentary proof that an application for an endorsement has been submitted to the Administration in accordance with regulation I/10, paragraph 5;
- (b) failure to comply with the applicable safe manning requirements of the Administration;
- (c) failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the Administration;
- (d) absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radiocommunications or the prevention of marine pollution; and
- (e) inability to provide for the first watch at the commencement of a voyage and for subsequent relieving watches persons who are sufficiently rested and otherwise fit for duty.

3. Failure to correct any of the deficiencies referred to in paragraph 2, in so far as it has been determined by the Party carrying out the control that they pose a danger to persons, property

or the environment, shall be the only grounds under article X on which a Party may detain a ship.

Regulation I/5

National provisions

1. Each Party shall establish processes and procedures for the impartial investigation of any reported incompetency, act or omission, that may pose a direct threat to safety of life or property at sea or to the marine environment, by the holders of certificates or endorsements issued by that Party in connection with their performance of duties related to their certificates and for the withdrawal, suspension and cancellation of such certificates for such cause and for the prevention of fraud.

2. Each Party shall prescribe penalties or disciplinary measures for cases in which the provisions of its national legislation giving effect to the Convention are not complied with in respect of ships entitled to fly its flag or of seafarers duly certificated by that Party.

3. In particular, such penalties or disciplinary measures shall be prescribed and enforced in cases in which-

(a) a company or a master has engaged a person not holding a certificate as required by the Convention;

(b) a master has allowed any function or service in any capacity required by these regulations to be performed by a person holding an appropriate certificate, to be performed by a person not holding the required certificate, a valid dispensation or having the documentary proof required by regulation I/10, paragraph 5; or

(c) a person has obtained by fraud or forged documents an engagement to perform any function or serve in any capacity required by these regulations to be performed or filled by a person holding a certificate or dispensation.

4. A Party, within whose jurisdiction there is located any company which, or any person who, is believed on clear grounds to have been responsible for, or to have knowledge of, any apparent non-compliance with the Convention specified in paragraph 3, shall extend all co-operation possible to any Party which advises it of its intention to initiate proceedings under its jurisdiction.

Regulation I/6

Training and assessment

Each Party shall ensure that-

(a) the training and assessment of seafarers, as required under the Convention, are administered, supervised and monitored in accordance with the provisions of section A-V6 of the STCW Code; and

(b) those responsible for the training and assessment of competence of sea farers, as required under the Convention, are appropriately qualified in accordance with the provisions of section A-I/6 of the STCW Code for the type and level of training or assessment involved.

Regulation I/7

Communication of information

1. In addition to the information required to be communicated by article IV, each Party shall provide to the Secretary-General within the time periods prescribed and in the format specified in section A-I/7 of the STCW Code, such other information as may be required by the Code on other steps taken by the Party to give the Convention full and complete effect.

2. When complete information as prescribed in article IV and section A-I/7 of the STCW Code has been received and such information confirms that full and complete effect is given to the provisions of the Convention, the Secretary-General shall submit a report to this effect to the Maritime Safety Committee.

3. Following subsequent confirmation by the Maritime Safety Committee, in accordance with procedures adopted by the Committee, that the information which has been provided demonstrates that full and complete effect is given to the provisions of the Convention-

(a) the Maritime Safety Committee shall identify the Parties so concerned;

(b) other Parties shall be entitled, subject to the provisions of regulations 4 and I/10, to accept, in principle, that certificates issued by or on behalf of the Parties identified in paragraph 3.1 are in compliance with the Convention.

Regulation I/8

Quality standards

1. Each Party shall ensure that-

(a) in accordance with the provisions of section A-1/8 of the STCW Code, all training, assessment of competence, certification, endorsement and revaluation activities carried out by non-governmental agencies or entities under its authority are continuously monitored through a quality standards system to ensure achievement of defined objectives, including those concerning the qualifications and experience of instructors and assessors; and

(b) where governmental agencies or entities perform such activities, there shall be a quality standards system.

2. Each Party shall also ensure that an evaluation is periodically undertaken in accordance with the provisions of section A-I/8 of the STCW Code by qualified persons who are not themselves involved in the activities concerned.

3. Information relating to the evaluation required by paragraph 2 shall be communicated to the Secretary-General.

Regulation I/9

Medical standards - Issue and registration of certificates

1. Each Party shall establish standards of medical fitness for seafarers, particularly regarding eyesight and hearing.
2. Each Party shall ensure that certificates are issued only to candidates who comply with the requirements of this regulation.
3. Candidates for certification shall provide satisfactory proof:
 - (a) of their identity;
 - (b) that their age is not less than that prescribed in the regulation relevant to the certificate applied for;
 - (c) that they meet the standards of medical fitness, particularly regarding eyesight and hearing, established by the Party, and hold a valid document attesting to their medical fitness, issued by a duly qualified medical practitioner recognized by the Party;
 - (d) of having completed the seagoing service and any related compulsory training required by these regulations for the certificate applied for; and
 - (e) that they meet the standards of competence prescribed by these regulations for the capacities, functions and levels that are to be identified in the endorsement to the certificate.
4. Each Party undertakes to-
 - (a) maintain a register or registers of all certificates and endorsements for masters and officers and, as appropriate, ratings, which are issued, have expired or have been revalidated, suspended, cancelled or reported lost or destroyed and of dispensations issued; and
 - (b) make available information on the status of such certificates, endorsements and dispensations to other Parties and companies which request verification of the authenticity and validity of certificates produced to them by seafarers seeking recognition of their certificates under regulation 1/10 or employment on board ship.

Regulation I/10

Recognition of certificates

1. Each Administration shall ensure that the provisions of this regulation are complied with, in order to recognize, by endorsement in accordance with regulation I/2, paragraph 5, a certificate issued by or under the authority of another Party to a master, officer or radio operator and that:
 - (a) the Administration has confirmed, through all necessary measures, which may include inspection of facilities and procedures, that the requirements concerning standards of competence, the issue and endorsement of certificates and record keeping are fully complied with; and

(b) an undertaking is agreed with the Party concerned that prompt notification will be given of any significant change in the arrangements for training and certification provided in compliance with the Convention.

2. Measures shall be established to ensure that seafarers who present, for recognition, certificates issued under the provisions of regulations 11/2, 111/2 or 111/3, or issued under VII/1 at the management level, as defined in the STCW Code, have an appropriate knowledge of the maritime legislation of the Administration relevant to the functions they are permitted to perform.

3. Information provided and measures agreed upon under this regulation shall be communicated to the Secretary-General in conformity with the requirements of regulation I/7.

4. Certificates issued by or under the authority of a non-Party shall not be recognized.

5. Notwithstanding the requirement of regulation I/2, paragraph 5, an Administration may, if circumstances require, allow a seafarer to serve in a capacity, other than radio officer or radio operator, except as provided by the Radio Regulations, for a period not exceeding three months on board a ship entitled to fly its flag, while holding an appropriate and valid certificate issued and endorsed as required by another Party for use on board that Party's ships but which has not yet been endorsed so as to render it appropriate for service on board ships entitled to fly the flag of the Administration. Documentary proof shall be readily available that application for an endorsement has been submitted to the Administration.

6. Certificates and endorsements issued by an Administration under the provisions of this regulation in recognition of, or attesting the recognition of, a certificate issued by another Party, shall not be used as the basis for further recognition by another Administration.

Regulation 1/11

Revaluation of certificates

1. Every master, officer and radio operator holding a certificate issued or recognized under any chapter of the Convention other than chapter VI, who is serving at sea or intends to return to sea after a period ashore, shall, in order to continue to qualify for seagoing service, be required at intervals not exceeding five years to:-

- (a) meet the standards of medical fitness prescribed by regulation I/9; and
- (b) establish continued professional competence in accordance with section A-I/11 of the STCW Code.

2. Every master, officer and radio operator shall, for continuing seagoing service on board ships for which special training requirements have been internationally agreed upon, successfully complete approved relevant training.

3. Each Party shall compare the standards of competence which it required of candidates for certificates issued before 1 February 2002 with those specified for the appropriate certificate

in part A of the STCW Code, and shall determine the need for requiring the holders of such certificates to undergo appropriate refresher and updating training or assessment.

4. The Party shall, in consultation with those concerned, formulate or promote the formulation of a structure of refresher and updating courses as provided for in section A-1/11 of the STCW Code.

5. For the purpose of updating the knowledge of masters, officers and radio operators, each Administration shall ensure that the texts of recent changes in national and international regulations concerning the safety of life at sea and the protection of the marine environment are made available to ships entitled to fly its flag.

Regulation I/12

Use of simulators

1. The performance standards and other provisions set forth in section A-1/12 and such other requirements as are prescribed in part A of the STCW Code for any certificate concerned shall be complied with in respect of:

- (a) all mandatory simulator-based training;
- (b) any assessment of competency required by part A of the STCW Code which is carried out by means of a simulator; and
- (c) any demonstration, by means of a simulator, of continued proficiency,

required by part A of the STCW Code.

2. Simulators installed or brought into use prior to 1 February 2002 may be exempted from full compliance with the performance standards referred to in paragraph 1, at the discretion of the Party concerned.

Regulation I/13

Conduct of trials

1. These regulations shall not prevent an Administration from authorizing ships entitled to fly its flag to participate in trials.

2. For the purposes of this regulation, the term *trial* means an experiment or series of experiments, conducted over a limited period, which may involve the use of automated or integrated systems in order to evaluate alternative methods of performing specific duties or satisfying particular arrangements prescribed by the Convention, which would provide at least the same degree of safety and pollution prevention as provided by these regulations.

3. The Administration authorizing ships to participate in trials shall be satisfied that such trials are conducted in a manner that provides at least the same degree of safety and pollution prevention as provided by these regulations. Such trials shall be conducted in accordance with

guidelines adopted by the Organization.*

4. Details of such trials shall be reported to the Organization as early as practicable but not less than six months before the date on which the trials are scheduled to commence the Organization shall circulate such particulars to all Parties.

5. The results of trials authorized under paragraph 1, and any recommendations the Administration may have regarding those results, shall be reported to the Organization which shall circulate such results and recommendations to all Parties.

6. Any Party having any objection to particular trials authorized in accordance with this regulation should communicate such objection to the Organization as early as practicable. The Organization shall circulate details of the objection to all Parties.

7. An Administration which has authorized a trial shall respect objections received from other Parties relating to such trial by directing ships entitled to fly its flag not to engage in a trial while navigating in the waters of a coastal State which has communicated its objection to the Organization.

8. An Administration which concludes, on the basis of a trial, that a particular system will provide at least the same degree of safety and pollution prevention as provided by these regulations may authorize ships entitled to fly its flag to continue to operate with such a system indefinitely, subject to the following requirements:

(a) the Administration shall, after results of the trial have been submitted in accordance with paragraph 5, provide details of any such authorization, including identification of the specific ships which may be subject to the authorization, to the Organization, which will circulate this information to all Parties;

(b) any operations authorized under this paragraph shall be conducted in accordance with any guidelines developed by the Organization, to the same extent as they apply during a trial;

(c) such operations shall respect any objections received from other Parties in accordance with paragraph 7, to the extent such objections have not been withdrawn; and

(d) an operation authorized under this paragraph shall only be permitted pending a determination by the Maritime Safety Committee as to whether an amendment to the Convention would be appropriate, and, if so, whether the operation should be suspended or permitted to continue before the amendment enters into force.

9. At the request of any Party, the Maritime Safety Committee shall establish a date for the consideration of the trial results and for the appropriate determinations.

Regulation I/14

Responsibilities of companies

1. Each Administration shall, in accordance with the provisions of section A-1/14, hold companies responsible for the assignment of seafarers for service in their ships in accordance with the provisions of the present Convention, and shall require every such company to ensure that:

- (a) each seafarer assigned to any of its ships holds an appropriate certificate in accordance with the provisions of the Convention and as established by the Administration;
- (b) its ships are manned in compliance with the applicable safe manning requirements of the Administration;
- (c) documentation and data relevant to all seafarers employed on its ships are maintained and readily accessible, and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties;
- (d) seafarers, on being assigned to any of its ships, are familiarized with their specific duties and with all ship arrangements, installations, equipment, procedures and ship characteristics that are relevant to their routine or emergency duties; and
- (e) the ship's complement can effectively co-ordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution.

Regulation I/15

Transitional provisions

1. Until 1 February 2002, a Party may continue to issue, recognize and endorse certificates in accordance with the provisions of the Convention which applied immediately prior to 1 February 1997 in respect of those seafarers who commenced approved seagoing service, an approved education and training programme or an approved training course before 1 August 1998.
2. Until 1 February 2002, a Party may continue to renew and revalidate certificates and endorsements in accordance with the provisions of the Convention which applied immediately prior to 1 February 1997.
3. Where a Party, pursuant to regulation I/11, reissues or extends the validity of certificates originally issued by that Party under the provisions of the Convention which applied immediately prior to 1 February 1997, the Party may, at its discretion, replace tonnage laminations appearing on the original certificates as follows:
 - (a) "200 gross registered tons" may be replaced by "500 gross tonnage"; and
 - (b) "1,600 gross registered tons" may be replaced by "3,000 gross tonnage".

CHAPTER II MASTER AND DECK DEPARTMENT

Regulation 11/1

Mandatory minimum requirements for certification of officers in charge of a navigational watch on ships of 500 gross tonnage or more

1. Every officer in charge of a navigational watch serving on a seagoing ship of 500 gross tonnage or more shall hold an appropriate certificate.
2. Every candidate for certification shall:

- (a) be not less than 18 years of age;
- (b) have approved seagoing service of not less than one year as part of an approved training programme which includes on-board training which meets the requirements of section A-11/1 of the STCW Code and is documented in an approved training record book, or otherwise have approved seagoing service of not less than three years;
- (c) have performed, during the required seagoing service, bridge watch keeping duties under the supervision of the master or a qualified officer for a period of not less than six months;
- (d) meet the applicable requirements of the regulations in chapter IV, as appropriate, for performing designated radio duties in accordance with the Radio Regulations; and
- (e) have completed approved education and training and meet the standard of competence specified in section A-II/1 of the STCW Code.

Regulation 11/2

Mandatory minimum requirements for certification of masters and chief mates on ships of 500 gross tonnage or more

Master and chief mate on ships of 3,000 gross tonnage or more

1. Every master and chief mate on a seagoing ship of 3,000 gross tonnage or more shall hold an appropriate certificate.
2. Every candidate for certification shall:
 - (a) meet the requirements for certification as an officer in charge of a navigational watch on ships of 500 gross tonnage or more and have approved seagoing service in that capacity-
 - (i) for certification as chief mate, not less than 12 months, and
 - (ii) for certification as master, not less than 36 months; however, this period may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as chief mate; and
 - (b) have completed approved education and training and meet the standard of competence specified in section A-II/2 of the STCW Code for masters and chief mates on ships of 3,000 gross tonnage or more.

Master and chief mate on ships of between 500 and 3,000 gross tonnage

3. Every master and chief mate on a seagoing ship of between 500 and 3,000 gross tonnage shall hold an appropriate certificate.
4. Every candidate for certification shall:
 - (a) for certification as chief mate, meet the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more;
 - (b) for certification as master, meet the requirements of an officer in charge of navigational watch on ships of 500 gross tonnage or more and have approved seagoing service of not less than 36 months in that capacity:
however, this period may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as chief mate; and

(c) have completed approved training and meet the standard of competence specified in section A-II/2 of the STCW Code for masters and chief mates on ships of between 500 and 3,000 gross tonnage.

Regulation 11/3

Mandatory minimum requirements for certification of officers in charge of a navigational watch and of masters on ships of less than 500 gross tonnage

Ships not engaged on near-coastal voyages

1. Every officer in charge of a navigational watch serving on a seagoing ship of less than 500 gross tonnage not engaged on near-coastal voyages shall hold an appropriate certificate for ships of 500 gross tonnage or more.
2. Every master serving on a seagoing ship of less than 500 gross tonnage not engaged on near-coastal voyages shall hold an appropriate certificate for service as master on ships of between 500 and 3,000 gross tonnage.

Officer in charge of a navigational watch

3. Every officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall hold an appropriate certificate.
4. Every candidate for certification as officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall:
 - (a) be not less than 18 years of age;
 - (b) have completed:
 - (i) special training, including an adequate period of appropriate seagoing service as required by the Administration, or
 - (ii) approved seagoing service in the deck department of not less than three years;
 - (c) meet the applicable requirements of the regulations in chapter IV, as appropriate, for performing designated radio duties in accordance with the Radio Regulations; and
 - (d) have completed approved education and training and meet the standard of competence specified in section A-II/3 of the STCW Code for officers in charge of a navigational watch on ships of less than 500 gross tonnage engaged on near-coastal voyages.

Master

5. Every master serving on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall hold an appropriate certificate.
6. Every candidate for certification as master on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall:
 - (a) be not less than 20 years of age;

- (b) have approved seagoing service of not less than 12 months as officer in charge of a navigational watch; and
- (c) have completed approved education and training and meet the standard of competence specified in section A-II/3 of the STCW Code for masters on ships of less than 500 gross tonnage engaged on near-coastal voyages.

Exemptions

7. The Administration, if it considers that a ship's size and the conditions of its voyage are such as to render the application of the full requirements of this regulation and section A-11/3 of the STCW Code unreasonable or impracticable, may to that extent exempt the master and the officer in charge of a navigational watch on such a ship or class of ships from some of the requirements, bearing in mind the safety of all ships which may be operating in the same waters.

Regulation 11/4

*Mandatory minimum requirements for certification of ratings forming part of a navigational watch**

1. Every rating forming part of a navigational watch on a seagoing ship of 500 gross tonnage or more, other than ratings under training and ratings whose duties while on watch are of an unskilled nature, shall be duly certificated to perform such duties.
2. Every candidate for certification shall:
 - (a) be not less than 16 years of age;
 - (b) have completed:-
 - (i) approved seagoing service including not less than six months training experience, or
 - (ii) special training, either pre-sea or on board ship, including an approved period of seagoing service which shall not be less than two months; and
 - (c) meet the standard of competence specified in section A-II/4 of the STCW Code.
3. The seagoing service, training and experience required by sub-paragraphs 2.2.1 and 2.2.2 shall be associated with navigational watchkeeping functions and involve the performance of duties carried out under the direct supervision of the master' the officer in charge of the navigational watch or a qualified rating.
4. Seafarers may be considered by the Party to have met the requirements of this regulation if they have served in a relevant capacity in the deck department for a period of not less than one year within the last five years preceding the entry into force of the Convention for that Party.

* These requirements are not those for certification of Able Seamen as contained in the ILO Certification of Able Seamen Convention, 1946, or any subsequent convention.

CHAPTER III ENGINE DEPARTMENT

Regulation III/1

Mandatory minimum requirements for certification of officers in charge of an engineering watch in a manned engine-room or designated duty engineers in a periodically unmanned engine-room

1. Every officer in charge of an engineering watch in a manned engine-room or designated duty engineer officer in a periodically unmanned engine-room on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall hold an appropriate certificate.
2. Every candidate for certification shall-
 - (a) be not less than 18 years of age;
 - (b) have completed not less than six months seagoing service in the engine department in accordance with section A-III/1 of the STCW Code; and
 - (c) have completed approved education and training of at least 30 months which includes on-board training documented in an approved training record book and meet the standards of competence specified in section A III/1 of the STCW Code.

Regulation III/2

Mandatory minimum requirements for certification of chief engineer officers and second engineer officers on ships powered by main propulsion machinery of 3,000 kW propulsion power or more

1. Every chief engineer officer and second engineer officer on a seagoing ship powered by main propulsion machinery of 3,000 kW propulsion power or more shall hold an appropriate certificate.
2. Every candidate for certification shall-
 - (a) meet the requirements for certification as an officer in charge of an engineering watch; and
 - (b) for certification as second engineer officer, shall have not less than 12 months' approved seagoing service as assistant engineer officer or engineer officer, and
 - (c) for certification as chief engineer officer, shall have not less than 36 months' approved seagoing service of which not less than 12 months shall have been served as an engineer officer in a position of responsibility while qualified to serve as second engineer officer; and
 - (d) have completed approved education and training and meet the standard of competence specified in section A-III/2 of the STCW Code.

Regulation III/3

Mandatory minimum requirements for certification of chief engineer officers and second engineer officers on ships powered by main propulsion machinery of between 750 kW and 3,000 kW propulsion power

1. Every chief engineer officer and second engineer officer on a seagoing ship powered by main propulsion machinery of between 750 and 3,000 kW propulsion power shall hold an appropriate certificate.

2. Every candidate for certification shall:

- (a) meet the requirements for certification as an officer in charge of an engineering watch and:
 - (i) for certification as second engineer officer, shall have not less than 12 months' approved seagoing service as assistant engineer officer or engineer officer; and
 - (ii) for certification as chief engineer officer, shall have not less than 24 months' approved seagoing service of which not less than 12 months shall be served while qualified to serve as second engineer officer; and
- (b) have completed approved education and training and meet the standard of competence specified in section A-III/3 of the STCW Code.

3. Every engineer officer who is qualified to serve as second engineer officer on ships powered by main propulsion machinery of 3,000 kW propulsion power or more, may serve as chief engineer officer on ships powered by main propulsion machinery of less than 3,000 kW propulsion power, provided that not less than 12 months' approved seagoing service shall have been served as an engineer officer in a position of responsibility and the certificate is so endorsed.

Regulation III/4

Mandatory minimum requirements for certification of ratings forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room

1. Every rating forming part of an engine-room watch or designated to perform duties in a periodically unmanned engine-room on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more, other than ratings under training and ratings whose duties are of an unskilled nature, shall be duly certificated to perform such duties.

2. Every candidate for certification shall:

- (a) be not less than 16 years of age;
- (b) have completed-
 - (i) approved seagoing service including not less than six months training and experience, or
 - (ii) special training, either pre-sea or on board ship, including an approved period of seagoing service which shall not be less than two months; and
- (c) meet the standard of competence specified in section A-III/4 of the STCW Code.

3. The seagoing service, training and experience required by sub-paragraphs 2.2.1 and 2.2.2 shall be associated with engine-room watchkeeping functions and involve the performance of duties carried out under the direct supervision of a qualified engineer officer or a qualified rating.

4. Seafarers may be considered by the Party to have met the requirements of this regulation if they have served in a relevant capacity in the engine department for a period of not less than one year within the last five years preceding the entry into force of the Convention for that Party.

CHAPTER IV RADIO COMMUNICATION AND RADIO PERSONNEL

Explanatory note

Mandatory provisions relating to radio watchkeeping are set forth in the Radio Regulations and in the International Convention for the Safety of Life at Sea, 1974, as amended. Provisions for radio maintenance are set forth in the International Convention for the Safety of Life at Sea, 1974, as amended, and the guidelines adopted by the Organization.*

Regulation IV/1

Application

1. Except as provided in paragraph 3, the provisions of this chapter apply to radio personnel on ships operating in the global maritime distress and safety system (GMDSS) as prescribed by the International Convention for the Safety of Life at Sea, 1974, as amended.

2. Until 1 February 1999, radio personnel on ships complying with the provisions of the International Convention for the Safety of Life at Sea, 1974, in force immediately prior to 1 February 1992 shall comply with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, in force prior to 1 December 1992.

3. Radio personnel on ships not required to comply with the provisions of the GMDSS in chapter [V of the SOLAS Convention are not required to meet the provisions of this chapter. Radio personnel on these ships are, nevertheless, required to comply with the Radio Regulations. The Administration shall ensure that the appropriate certificates as prescribed by the Radio Regulations are issued to or recognized in respect of such radio personnel.

Regulation IV/2

Mandatory minimum requirements for certification of GMDSS radio personnel

1. Every person in charge of or performing radio duties on a ship required to participate in the GMDSS shall hold an appropriate certificate related to the GMDSS, issued or recognized by

the Administration under the provisions of the Radio Regulations.

*Refer to the Radio Maintenance Guidelines for the Global Maritime Distress and Safety system (GMDSS) Related to sea Areas A3 and A4 adopted by the Organization by resolution A.702(17).

2. In addition, every candidate for certification under this regulation for service on a ship which is required by the International Convention for the Safety of Life at Sea 1974, as amended, to have a radio installation shall:

- (a) be not less than 18 years of age; and
- (b) have completed approved education and training and meet the standard of competence specified in section A-IV/2 of the STCW Code.

CHAPTER V SPECIAL TRAINING REQUIREMENTS FOR PERSONNEL ON CERTAIN TYPES OF SHIPS

Regulation V/1

Mandatory minimum requirements for the training and qualification of masters, officers and ratings on tankers

1. Officers and ratings assigned specific duties and responsibilities related to cargo or cargo equipment on tankers shall have completed an approved shore-based firefighting course in addition to the training required by regulation VI/1 and shall have completed:

- (a) at least three months of approved seagoing service on tankers in order to acquire adequate knowledge of safe operational practices; or
- (b) an approved tanker familiarization course covering at least the syllabus given for that course in section A-V/1 of the STCW Code,

so however that, the Administration may accept a period of supervised seagoing service shorter than that prescribed by sub-paragraph .1, provided:

- (c) the period so accepted is not less than one month;
- (d) the tanker is of less than 3,000 gross tonnage;
- (e) the duration of each voyage on which the tanker is engaged during the period does not exceed 72 hours; and
- (f) the operational characteristics of the tanker and the number of voyages and loading and discharging operations completed during the period, allow the same level of knowledge and experience to be acquired.

2. Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging and care in transit of handling of cargo shall, in addition to meeting the requirements of sub-paragraphs 1.1 or 1.2, have:

(a) experience appropriate to their duties on the type of tanker on which they serve; and
(b) completed an approved specialised training programme which at least covers the subjects set out in section A-V/1 of the STCW Code that are appropriate to their duties on the oil tanker, chemical tanker or liquefied gas tanker on which they serve.

3. Within two years after the entry into force of the Convention for a Party, seafarers may be considered to have met the requirements of sub-paragraph 2.2 if they have served in a relevant capacity on board the type of tanker concerned for a period of not less than one year within the preceding five years.

4. Administrations shall ensure that an appropriate certificate is issued to masters and officers, who are qualified in accordance with paragraphs 1 or 2 as appropriate, or that an existing certificate is duly endorsed. Every rating who is so qualified shall be duly certificated.

Regulation V/2

Mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on ro-ro passenger ships

1. This regulation applies to masters, officers, ratings and other personnel serving on board ro-ro passenger ships engaged on international voyages. Administrations shall determine the applicability of these requirements to personnel serving on ro-ro passenger ships engaged on domestic voyages.

2. Prior to being assigned shipboard duties on board ro-ro passenger ships, seafarers shall have completed the training required by paragraphs 4 to 8 below in accordance with their capacity, duties and responsibilities.

3. Seafarers who are required to be trained in accordance with paragraphs 4, 7 and 8 below shall, at intervals not exceeding five years, undertake appropriate refresher training.

4. Masters, officers and other personnel designated on muster lists to assist passengers in emergency situations on board ro-ro passenger ships shall have completed training in crowd management as specified in section A-V/2, paragraph 1 of the STCW Code.

5. Masters, officers and other personnel assigned specific duties and responsibilities on board ro-ro passenger ships shall have completed the familiarization training specified in section A-V/2, paragraph 2 of the STCW Code.

6. Personnel providing direct service to passengers in passenger spaces on board ro-ro passenger ships shall have completed the safety training specified in section A-V/2 paragraph 3 of the STCW Code.

7. Masters, chief mates, chief engineer officers, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on board ro-ro passenger ships shall have completed approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 4 of the STCW Code.

8. Masters, chief mates, chief engineer officers, second engineer officers and any person having responsibility for the safety of passengers in emergency situations on board ro-ro passenger ships shall have completed approved training in crisis management and human behaviour as specified in section A-V/2, paragraph 5 of the STCW Code.

9. Administrations shall ensure that documentary evidence of the training which has been completed is issued to every person found qualified under the provisions of this regulation.

CHAPTER VI EMERGENCY, OCCUPATIONAL SAFETY, MEDICAL CARE AND SURVIVAL FUNCTIONS

Regulation VI/1

Mandatory minimum requirements for familiarization, basic safety training and instruction for all seafarers

Seafarers shall receive familiarization and basic safety training or instruction in accordance with section A-VI/1 of the STCW Code and shall meet the appropriate standard of competence specified therein.

Regulation VI/2

Mandatory minimum requirements for the issue of certificates of proficiency in survival craft, rescue boats and fast rescue boats

1. Every candidate for a certificate of proficiency in survival craft and rescue boats other than fast rescue boats shall-

- (a) be not less than 18 years of age;
- (b) have approved seagoing service of not less than 12 months or have attended an approved training course and have approved seagoing service of not less than six months; and
- (c) meet the standard of competence for certificates of proficiency in survival craft and rescue boats set out in section A-VI/2, paragraphs 1 to 4 of the STCW Code.

2. Every candidate for a certificate of proficiency in fast rescue boats shall:

- (a) be the holder of a certificate of proficiency in survival craft and rescue boats other than fast rescue boats;
- (b) have attended an approved training course; and
- (c) meet the standard of competence for certificates of proficiency in fast rescue boats set out in section A-VI/2, paragraphs 5 to 8 of the STCW Code.

Regulation VI/3

Mandatory minimum requirements for training in advanced fire fighting

1. Seafarers designated to control fire-fighting operations shall have successfully completed advanced training in techniques for fighting fire with particular emphasis on organization, tactics and command in accordance with the provisions of section AVI/3 of the STCW Code and shall meet the standard of competence specified therein.

2. Where training in advanced fire fighting is not included in the qualifications for the certificate to be issued, a special certificate or documentary evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in advanced fire fighting;.

Regulation VI/4

Mandatory minimum requirements relating to medical first aid and medical care

1. Seafarers designated to provide medical first aid on board ship shall meet the standard of competence in medical first aid specified in section A-VI/4, paragraphs 1 to 3 of the STCW Code.

2. Seafarers designated to take charge of medical care on board ship shall meet the standard of competence in medical care on board ships specified in section A-VI/4, paragraphs 4 to 6 of the STCW Code.

3. Where training in medical first aid or medical care is not included in the qualifications for the certificate to be issued, a special certificate or documentary evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in medical first aid or in medical care.

CHAPTER VII ALTERNATIVE CERTIFICATION

Regulation VII/1

Issue of alternative certificates

1. Notwithstanding the requirements for certification laid down in chapters I and III of this annex, Parties may elect to issue or authorize the issue of certificates other than those mentioned in the regulations of those chapters, provided that:

(a) the associated functions and levels of responsibility to be stated on the certificates and in the endorsements are selected from and identical to those appearing in sections A-II/1, A-II/2, A-II/3, A-II/4, A-III/1, A-III/2, A-III/3, A-III/4 and A-IV/2 of the STCW Code;

(b) the candidates have completed approved education and training and meet the requirements for standards of competence, prescribed in the relevant sections of the STCW Code and as set forth in section A-VII/1 of this Code, for the functions and levels that are to be stated on the certificates and in the endorsements;

(c) the candidates have completed approved seagoing service appropriate to the performance of the functions and levels that are to be stated on the certificate. The minimum duration of seagoing service shall be equivalent to the duration of seagoing service prescribed in chapters

II and III of this annex. However, the minimum duration of seagoing service shall be not less than as prescribed in section A-VII/2 of the STCW Code;

(d) the candidates for certification who are to perform the function of navigation at the operational level shall meet the applicable requirements of the regulations in chapter IV, as appropriate, for performing designated radio duties in accordance with the Radio Regulations; and

(e) the certificates are issued in accordance with the requirements of regulation 1/9 and the provisions set forth in chapter VII of the STCW Code.

2. No certificate shall be issued under this chapter unless the Party has communicated information to the Organization in accordance with article IV and regulation 1/7.

Regulation VII/2

Certification of seafarers

1. Every seafarer who performs any function or group of functions specified in tables A-II/1, A-II/2, A-II/3 or A-II/4 of chapter II or in tables A-III/1, A-III/2, A-III/4 of chapter III or A-IV/2 of chapter IV of the STCW Code shall hold an appropriate certificate.

Regulation VII/3

Principles governing the issue of alternative certificates

1. Any Party which elects to issue or authorize the issue of alternative certificates shall ensure that the following principles are observed:

(a) no alternative certification system shall be implemented unless it ensures a degree of safety at sea and has a preventive effect as regards pollution at least equivalent to that provided by the other chapters; and

(b) any arrangement for alternative certification issued under this chapter shall provide for the interchangeability of certificates with those issued under the other chapters.

2. The principle of interchangeability in paragraph 1 shall ensure that:

(a) seafarers certificated under the arrangements of chapters II and/or III and those certificated under chapter VII are able to serve on ships which have either traditional or other forms of shipboard organization; and

(b) seafarers are not trained for specific shipboard arrangements in such a way as would impair their ability to take their skills elsewhere.

3. In issuing any certificate under the provisions of this chapter the following principles shall be taken into account:

(a) the issue of alternative certificates shall not be used in itself:

- (i) to reduce the number of crew on board,
 - (ii) to lower the integrity of the profession or "de-skill" seafarers, or
 - (iii) to justify the assignment of the combined duties of the engine and deck watchkeeping officers to a single certificate holder during any particular watch; and
- (b) the person in command shall be designated as the master; and the legal position and authority of the master and others shall not be adversely affected by the implementation of any arrangement for alternative certification.

4. The principles contained in paragraphs 1 and 2 of this regulation shall ensure that the competency of both deck and engineer officers is maintained.

CHAPTER VIII WATCHKEEPING

Regulation VIII/1

Fitness for duty

Each Administration shall, for the purpose of preventing fatigue:

- (a) establish and enforce rest periods for watchkeeping personnel; and
- (b) require that watch systems are so arranged that the efficiency of all watchkeeping personnel is not impaired by fatigue and that duties are so organized that the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.

Regulation VIII/2

Watchkeeping arrangements and principles to be observed

1. Administrations shall direct the attention of companies, masters, chief engineer officers and all watchkeeping personnel to the requirements, principles and guidance set out in the STCW Code which shall be observed to ensure that a safe continuous watch or watches appropriate to the prevailing circumstances and conditions are maintained in all seagoing ships at all times.

2. Administrations shall require the master of every ship to ensure that watchkeeping arrangements are adequate for maintaining a safe watch or watches, taking into account the prevailing circumstances and conditions and that, under the master's general direction:

- (a) officers in charge of the navigational watch are responsible for navigating the ship safely during their periods of duty, when they shall be physically present on the navigating bridge or in a directly associated location such as the chartroom or bridge control room at all times;
- (b) radio operators are responsible for maintaining a continuous radio watch on appropriate frequencies during their periods of duty;
- (c) officers in charge of an engineering watch, as defined in the STCW Code and under the direction of the chief engineer officer, shall be immediately available and on call to attend the

machinery spaces and, when required, shall be physically present in the machinery space during their periods of responsibility; and
(d) an appropriate and effective watch or watches are maintained for the purpose of safety at all times, while the ship is at anchor or moored and, if the ship is carrying hazardous cargo, the organization of such watch or watches takes full account of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions prevailing on board, afloat or ashore.

Attachment 3 to the Final Act of the Conference

Resolution 3

Transitional provisions

THE CONFERENCE

HAVING ADOPTED the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978,

HAVING AGREED that the amendments will include regulation 1/15 on Transitional provisions, which allows for an interval of 5 years before Parties will be required to issue, recognize and endorse certificates in accordance with the amendments adopted by the Conference,

RECOGNIZING that, in order for full compliance to be achieved by 1 February 2002, it is necessary for Parties to begin promptly taking appropriate measures to implement the revised Convention in their national training, certification and administration systems,

BEING CONCERNED that difficulties which may arise in connection with implementing the requirements of the revised STCW Convention could undermine the objective of introducing the highest practicable standards of competence at the earliest possible time,

1. URGES each Party to keep the Marine Safety Committee of the International Maritime Organization informed of progress being made in respect of the transitional provisions of regulation I/15 under its national system to implement the requirements of the amendments to the STCW Convention, adopted by the Conference, as well as any difficulties encountered in this regard;

2. INVITES the Maritime Safety Committee, in order to promote the introduction of the highest practicable standards of competence as soon as possible, to monitor progress toward implementation of the revised STCW Convention by all Parties, with the aim of encouraging an orderly transition and anticipating complications which could otherwise undermine full and effective implementation.

Resolution 4

*Training of radio operators for the global
maritime distress and safety system (GMDSS)*

THE CONFERENCE,

HAVING ADOPTED the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, with a view to strengthening the implementation of the Convention and thereby improving the competence of seafarers,

HAVING ALSO ADOPTED requirements for all officers in charge of a navigational watch to be trained and certificated, as appropriate, for performing designated radio duties,

RECOGNIZING the importance of efficient radio watchkeeping and radio maintenance for the safety of life and property at sea and the protection of the marine environment,

BEARING IN MIND the requirements of the global maritime distress and safety system (GMDSS) prescribed by the Radio Regulations and the International Convention for the Safety of Life at Sea (SOLAS). 1974. as amended in 1988.

NOTING that, in accordance with regulation IV/1 of the 1974 SOLAS Convention, as amended in 1988, every ship to which chapter IV of the SOLAS Convention applies will, after 1 February 1999, comply with all applicable requirements of that chapter and the GMDSS will be fully implemented,

NOTING ALSO that regulation IV/16 of the 1974 SOLAS Convention, as amended, requires that every ship shall carry personnel qualified for distress and safety radio communication purposes to the satisfaction of the Administration,

NOTING FURTHER that resolution A.769(18) adopted by the Assembly of the International Maritime Organization recommends Governments, before issuing a GMDSS certificate to a holder of a non-GMDSS certificate, to require the candidate to pass at least a limited examination in accordance with procedures and arrangements set out in that resolution, being aware, however, that the provisions of that resolution expire on 1 February 1997,

APPRECIATING that the GMDSS will also provide the only means for conducting distress and safety communications for most other ships to which the 1974 SOLAS Convention, as amended, does not apply,

APPRECIATING ALSO the need for persons on board such ships to also be trained and certificated in accordance with the Radio Regulations and with the 1978 STCW Convention, as amended,

RECOGNIZING that this necessitates the training and certification of a considerable number of existing masters, deck officers and radiocommunication personnel to undertake GMDSS radio operator functions prior to 1 February 1999,

BEING OF THE OPINION that, if such training and certification is delayed, there may be a shortage of GMDSS radio operators world-wide when the GMDSS is fully implemented,

STRONGLY URGES Governments to:

1. Take steps to ensure that a sufficient number of persons taking responsibility for distress and safety communications on their ships are trained and certificated as GMDSS radio operators prior to 1 February 1999, without reducing the quality of the training;
2. Bring this matter to the attention of their shipowners and seafarers and of all others who may need to use, or whose vessels may need to use, GMDSS services.

Resolution 5

Training in crisis management and human behaviour for personnel serving on board ro-ro passenger ships

THE CONFERENCE,

HAVING ADOPTED the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, and the International Seafarers' Training, Certification and Watchkeeping (STCW) Code,

CONSIDERING regulation V/2.8 of the STCW Convention, as amended, which requires masters, chief mates, chief engineer officers, second engineer officers and any person having responsibility for the safety of passengers in emergency situations to be trained in crisis management and human behaviour.

CONSIDERING ALSO that the STCW Code, *inter alia*, requires that such training shall be to the satisfaction of the Administration based on standards developed by the International Maritime Organization,

NOTING that the Maritime Safety Committee of the Organization, at its sixty-fifth session, agreed that crisis management and human behaviour training is essential for key personnel on ro-ro passenger ships and should include the following elements:

- human behaviour and responses,
- optimizing the use of resources,
- development of emergency plans,
- leadership skills,
- stress handling,
- and communication,

ALSO NOTING the opinion of the Maritime Safety Committee that the details of such crisis management and human behaviour training have to be further developed to include the knowledge, understanding and proficiency to be achieved, the method for demonstrating competence and the criteria for evaluating competence before they are included in part A of the STCW Code,

INVITES the International Maritime Organization to develop, as a matter of urgency, detailed

provisions on the training of personnel on ro-ro passenger ships in censes management and human behaviour, for possible inclusion in the STCW Code.

Resolution 6

Training of personnel on passenger ships

THE CONFERENCE,

HAVING, ADOPTED the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, including regulation V/2 on mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on ro-ro passenger ships,

ANTICIPATING, that such special training provisions will significantly increase the safety of passengers on ro-ro passenger ships during emergency situations,

RECOGNIZING the important contribution of ship's personnel towards the safe evacuation of passengers in emergency situations,

APPRECIATING that personnel designated to assist passengers in emergency situations on passenger ships may have to assist fellow crew members who are not specially trained and that this could affect the behaviour of passengers in such situations,

BEING AWARE that some passenger ship personnel are not required to be trained to the same standard as personnel on ro-ro passenger ships,

1. INVITES the International Maritime Organization to consider developing appropriate provisions covering the training of masters, officers, ratings and other personnel serving on passenger ships for inclusion in the 1978 STCW Convention, as amended:
2. INVITES Parties to the 1978 STCW Convention to consider applying voluntarily to personnel serving on passenger ships, the relevant training provisions of regulation V/2.

Resolution 7

Monitoring the implications of alternative certification

THE CONFERENCE,

HAVING ADOPTED the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978,

RECOGNIZING that chapter VII of the revised annex to the STCW Convention provides for alternative certification systems and that such systems may be implemented in different ways by Parties to the Convention,

RECOGNIZING FURTHER that experience with such systems is, at present, limited and that

they may significantly affect the distribution of work and responsibility among other members

DESIRING to ensure that the implementation of such systems will not, as a consequence, prejudice the safety of life at sea, the safety of the ship, its operation, or the protection of the marine environment,

INVITES the Maritime Safety Committee of the International Maritime Organization to keep under review the implementation of chapter VII of the revised annex to the STCW Convention and the relevant sections of the STCW Code with the aim of:

1. Identifying the alternative certification systems being implemented under chapter VII;
2. Determining whether revisions are needed to the STCW Code to ensure that the requirements for implementation of such systems are adequate and effective; and
3. Developing further the principles contained in regulation VII/3 and clarifying their application.

Resolution 8

Promotion of technical knowledge, skills and professionalism of seafarers

THE CONFERENCE

HAVING ADOPTED the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, with a view to strengthening the implementation of the Convention and thereby improving the competence of seafarers,

APPRECIATING that the overall effectiveness of selection, training and certification processes can only be evaluated through the skills, abilities and competence exhibited by seafarers during the course of their service on board ship,

RECOMMENDS that Administrations should make arrangements to ensure that companies:

1. Establish criteria and processes for the selection of personnel exhibiting the highest practicable standards of technical knowledge, skills and professionalism;
2. Monitor the standards exhibited by ship's personnel in the performance of their duties;
3. Encourage all officers to participate actively in the training of Junior personnel;
4. Monitor carefully and frequently review the progress made by junior personnel in their acquisition of knowledge and skills during their service on board ship;
5. Provide refresher and updating training at suitable intervals as may be required; and
6. Take all appropriate measures to encourage pride of service and professionalism on the part of the personnel they employ.

Resolution 9

Development of international standards of medical fitness for seafarers

THE CONFERENCE,

HAVING ADOPTED the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978,

NOTING the lack of agreed international standards of medical fitness for seafarers,

RECOGNIZING the importance of the overall medical fitness of masters and ships' crews to the safety of life and property at sea and the protection of the marine environment.

TAKING COGNIZANCE OF the International Labour Organization's conventions concerning the medical examination of seafarers,

NOTING FURTHER that the International Labour Organization and the World Health Organization are undertaking research into existing medical examination requirements for seafarers on a global basis,

INVITES the Organization, in co-operation with the International Labour Organization and the World Health Organization, to develop international standards of medical fitness for seafarers.

Resolution 10

Training of maritime pilots, vessel traffic service personnel and maritime personnel employed on mobile offshore units

THE CONFERENCE,

HAVING ADOPTED the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978,

BEARING IN MIND the contribution made to safety of life and property at sea and to the protection of the marine environment by maritime pilots, vessel traffic service personnel and maritime personnel employed on board mobile offshore units,

NOTING, that time constraints have prevented full consideration to be given to the possibility of including provisions on the training and certification of such personnel in the amendments to the 1978 STCW (Convention adopted by the Conference,

INVITES the International Maritime Organisation to consider developing provisions covering the training and certification of maritime pilots, vessel traffic service personnel and maritime personnel employed on mobile offshore units for inclusion in the 1978 STCW Convention or in such other instrument or instruments as may be appropriate.

Resolution 11

Promotion of technical co-operation

THE CONFERENCE

HAVING ADOPTED the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978,

RECOGNIZING the Importance of adequate education, training and appropriate experience for all seafarers,

NOTING the provisions of the 1995 amendments to the 1978 STCW Convention which aim at enhancing the mandatory minimum requirements for the training and qualifications of all seafarers,

RECOGNIZING, FURTHER that, in some cases, there may be limited facilities for obtaining the required experience and providing specialized training programmes, particularly in developing countries,

BELIEVING that the promotion of technical co-operation at an inter-governmental level will assist those States not yet having adequate expertise or facilities for providing such training and experience to implement the revised STCW Convention requirements,

1. STRONGLY URGES Parties to provide, or arrange to provide, in co-operation with the International Maritime Organization, assistance to those States which have difficulty in meeting the improved requirements of the STCW Convention and which request such assistance;

2. INVITES the International Maritime Organization to extend endeavours to provide States with the assistance they require and to make adequate provision for that purpose within its technical co-operation programme.

Resolution 12

Contribution of the World Maritime University (WMU) in the achievement of enhanced standards of maritime training

THE CONFERENCE,

HAVING ADOPTED the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978,

HAVING ALSO ADOPTED resolution 11 on Promotion of technical co-operation,

BEING AWARE that many countries, in particular developing countries, may have difficulty in achieving the levels of training and assessment required by the amended convention,

RECOGNIZING the significance of the contribution of the WMU graduates, particularly in developing countries, to the implementation of the amended STCW Convention and improved standards of training, as well as to the implementation of standards incorporated in various maritime safety and pollution prevention-related conventions of the International Maritime Organization in general,

BEING ALSO AWARE that there is a continuing need for personnel in the international maritime field to have an adequate level of education and training in order to achieve the objectives of the Organization for safer shipping and cleaner oceans in a uniform and effective manner worldwide,

NOTING that this continuing need can be met by the WMU assuming a leading role for the transfer of maritime education and knowledge through its activities and the networking of advanced maritime training establishments,

1. URGES the Organization to continue to:

- (a) utilize the resources and expertise of the WMU to transfer maritime education and knowledge wherever needed, particularly in developing countries; and
- (b) encourage and support the WMU to assume a leading role for the promotion and implementation of a network of advanced maritime training establishments;

2. RECOMMENDS STRONGLY that Governments continue to support and utilize the resources of the WMU to meet their needs for highly trained maritime lecturers and administrators;

3. REQUESTS the Secretary-General of the Organization to bring this resolution to the attention of the Assembly of the Organization inviting it to consider adopting a similar resolution.

Resolution 13

Revision of model courses published by the International Maritime Organization

THE CONFERENCE,

HAVING ADOPTED the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978,

RECOGNIZING the significant contribution made through the publication by the International Maritime Organization of model courses, which have provided core curricula based on the minimum requirements of the STCW Convention provisions adopted in 1978.

APPRECIATING that the model courses have thereby assisted many training institutions to improve the quality of the training they provide and have been used to improve procedures for assessing competency,

DESIRING to achieve greater uniformity in the application of the training and assessment

provisions of the STCW Convention, as amended,

INVITES:

1. The Organization to take steps to revise and update those model courses which provide guidance on the implementation of the training and assessment provisions of the STCW Convention, as amended; and
2. Governments to provide funding for, and otherwise assist in, the revision and updating of such model courses.

Resolution 14

Promotion of the participation of women in the maritime industry

THE CONFERENCE,

HAVING ADOPTED the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978,

NOTING the International Maritime Organization's Medium-Term Plan for the Integration of Women in the Maritime Sector and expressing support for the Organization's aims of promoting the training of women in the maritime sector,

DESIRING to achieve equal access for men and women to maritime training and to employment on board ship,

INVITES Governments:

1. To give special consideration to securing equal access by men and women in all sectors of the maritime industry;
2. To highlight the role of women in the seafaring profession and to promote their greater participation in maritime training and at all levels in the maritime industry.

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