

Previously published as
Miscellaneous No. 1
(1996) Cm 3136 and
Miscellaneous No. 4
(1997) Cm 3554

SHIPPING



Treaty Series No. 61 (1997)

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

(Included also are the 1994 Amendments to the 1978 Convention,
which have been superseded by the 1995 Amendments)

London, 26 June to 7 July 1995

[The 1995 STCW Amendments entered into force on 1 February 1997
for the United Kingdom]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
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October 1997*

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), 1978¹, 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(l)(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 Convention² and an associated Seafarers' Training, Certification and Watchkeeping (STCW) Code².

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	FRANCE
ANGOLA	GABON
ARGENTINA	GERMANY
AUSTRALIA	GHANA
BAHAMAS	GREECE
BELGIUM	ICELAND
BENIN	INDIA
BRAZIL	INDONESIA
BULGARIA	IRELAND
CANADA	ISRAEL
CHILE	ITALY
CHINA	JAMAICA
COLOMBIA	JAPAN
CÔTE D'IVOIRE	LATVIA
CROATIA	LIBERIA
CUBA	LIBYAN ARAB JAMAHIRIYA
CYPRUS	LUXEMBOURG
DENMARK	MALAYSIA
ECUADOR	MALTA
EGYPT	MARSHALL ISLANDS
FINLAND	MEXICO
MYANMAR	SLOVENIA
NETHERLANDS	SOLOMON ISLANDS
NEW ZEALAND	SOUTH AFRICA
NIGERIA	SPAIN
NORWAY	SWEDEN
PANAMA	TUNISIA
PAPUA NEW GUINEA	TURKEY
PERU	UNITED ARAB EMIRATES
PHILIPPINES	UNITED KINGDOM OF GREAT
POLAND	BRITAIN AND NORTHERN
PORTUGAL	IRELAND
REPUBLIC OF KOREA	UNITED STATES OF AMERICA
ROMANIA	URUGUAY
RUSSIAN FEDERATION	VANUATU
SAUDI ARABIA	VENEZUELA
SINGAPORE	

¹Treaty Series No. 50 (1984), Cmnd. 9266.

²The Amendments to the Annex and STCW Code (Attachments 1 and 2) were adopted by the International Maritime Organization (IMO) at its seventieth session in London, from 26 June to 7 July 1995.

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:

INTERNATIONAL LABOUR ORGANIZATION (ILO)
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED
NATIONS (FAO)

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

COMMISSION OF THE EUROPEAN COMMUNITIES
LEAGUE OF ARAB STATES
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (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 (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 Organization.

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 (Côte 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 Secretary	Mr. J. L. Thompson 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	M. 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 1¹ 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 2² to this Final Act.

19. The Conference also adopted the following resolutions set forth in Attachment 3³ 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(l)(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.

¹See pages 7 to 25.

²See pages 26 to 209.

³See pages 210 to 221.

ATTACHMENT 1 TO THE FINAL ACT OF THE CONFERENCE

ANNEX

Amendments to the Annex¹ to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978²

CHAPTER I

GENERAL PROVISIONS

Regulation I/1

Definitions and clarifications

1. For the purpose of the Convention, unless expressly provided otherwise:
 - .1 "*Regulations*" means regulations contained in the annex to the Convention;
 - .2 "*Approved*" means approved by the Party in accordance with these regulations;
 - .3 "*Master*" means the person having command of a ship;
 - .4 "*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;
 - .5 "*Deck officer*" means an officer qualified in accordance with the provisions of chapter II of the Convention;
 - .6 "*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;
 - .7 "*Engineer officer*" means an officer qualified in accordance with the provisions of chapter III of the Convention;
 - .8 "*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;
 - .9 "*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;
 - .10 "*Assistant engineer officer*" means a person under training to become an engineer officer and designated as such by national law or regulations;
 - .11 "*Radio operator*" means a person holding an appropriate certificate issued or recognized by the Administration under the provisions of the Radio Regulations;
 - .12 "*Rating*" means a member of the ship's crew other than the master or an officer;
 - .13 "*Near-coastal voyages*" means voyages in the vicinity of a Party as defined by that Party;
 - .14 "*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 or registry or other official document;
 - .15 "*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 Sea³ and, at the discretion of each Administration, the relevant recommendations of the Organization;
 - .16 "*Oil tanker*" means a ship constructed and used for the carriage of petroleum and petroleum products in bulk;

¹The Amendments to the Annex were adopted as Resolution 1 by the Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 in London from 26 June to 7 July 1995.

²Treaty Series No. 50 (1984), Cmnd. 9266.

³Treaty Series No. 46 (1980), Cmnd. 7874.

- .17 "*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;
- .18 "*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;
- .19 "*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;
- .20 "*Month*" means a calendar month or 30 days made up of periods of less than one month;
- .21 "*STCW Code*" means the Seafarers' Training, Certification and Watchkeeping (STCW) Code as adopted by the 1995 Conference resolution 2¹, as it may be amended;
- .22 "*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;
- .23 "*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;
- .24 "*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;
- .25 "*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:

- .1 any reference to a requirement in a regulation also constitutes a reference to the corresponding section of part A of the STCW Code;
- .2 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;
- .3 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
- .4 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.

¹The Seafarers' Training, Certification and Watchkeeping (STCW) Code was adopted as Resolution 2 by the International Maritime Organization in London from 26 June to 7 July 1995.

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:
 - .1 include the additional knowledge required by the relevant regulations in the examination for the issue of a certificate complying with the Radio Regulations; or
 - .2 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 or section A-I/2 of the STCW Code.
6. The endorsements referred to in paragraphs 3, 4 and 5:
 - .1 may be issued as separate documents;
 - .2 shall each be assigned a unique number, except that endorsements attesting the issue of a certificate may be assigned the same number as the certificate concerned, provided that number is unique; and
 - .3 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 near-coastal 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 near-coastal 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 I/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:

- .1 verification in accordance with article X(1) that all seafarers serving on board who are required to be certificated in accordance with the Convention hold an appropriate certificate or a valid dispensation, or provide documentary proof that an application for an endorsement has been submitted to the Administration in accordance with regulation I/10, paragraph 5;
- .2 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
- .3 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 of any of the following have occurred:
 - .3.1 the ship has been involved in a collision, grounding or stranding, or
 - .3.2 there has been a discharge of substances from the ship when underway, at anchor or at berth which is illegal under any international convention, or
 - .3.3 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
 - .3.4 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:

- .1 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;
- .2 failure to comply with the applicable safe manning requirements of the Administration;
- .3 failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the Administration;
- .4 absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radiocommunications or the prevention of marine pollution; and
- .5 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:

- .1 a company or a master has engaged a person not holding a certificate as required by the Convention;
- .2 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
- .3 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 noncompliance 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:

- .1 the training and assessment of seafarers, as required under the Convention, are administered, supervised and monitored in accordance with the provisions of section A-I/6 of the STCW Code; and
- .2 those responsible for the training and assessment of competence of seafarers, 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:

- .1 the Maritime Safety Committee shall identify the Parties so concerned; and
- .2 other Parties shall be entitled, subject to the provisions of regulations I/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:
 - .1 in accordance with the provisions of section A-I/8 of the STCW Code, all training, assessment of competence, certification, endorsement and revalidation 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
 - .2 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:
 - .1 of their identity;
 - .2 that their age is not less than that prescribed in the regulation relevant to the certificate applied for;
 - .3 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;
 - .4 of having completed the seagoing service and any related compulsory training required by these regulations for the certificate applied for; and
 - .5 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:
 - .1 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

- .2 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 I/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:
 - .1 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
 - .2 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 II/2, III/2 or III/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 I/11

Revalidation 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:
 - .1 meet the standards of medical fitness prescribed by regulation I/9; and
 - .2 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-I/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-I/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:
 - .1 all mandatory simulator-based training;
 - .2 any assessment of competency required by part A of the STCW Code which is carried out by means of a simulator; and
 - .3 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 "trials" 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:

- .1 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;
- .2 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;
- .3 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
- .4 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-I/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:

- .1 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;
- .2 its ships are manned in compliance with the applicable safe manning requirements of the Administration;
- .3 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;
- .4 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
- .5 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.