



SUB-COMMITTEE ON STANDARDS OF
TRAINING AND WATCHKEEPING
30th session
Agenda item 5

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FOLLOW-UP ACTION TO THE 1995 STCW CONFERENCE

Assembly resolutions and MSC circulars superseded by the adoption of the 1995 amendments to the 1978 STCW Convention

Submitted by the ICFTU

SUMMARY

<i>Executive summary:</i>	This document seeks to identify which Assembly resolutions and MSC circulars have been superseded by the adoption in 1995 of the amendments to the 1978 STCW Convention.
<i>Action to be taken:</i>	Paragraph 9
<i>Related documents:</i>	STW 28/20, STW 29/7/2, STW 29/14, MSC 68/5/3, MSC 68/23 and MSC 69/22

1 The STW Sub-Committee, at its twenty-eighth session (STW 28/20, paragraph 11.44), noting that the 1995 amendments to the 1978 STCW Convention had incorporated several resolutions and circulars which could thereafter be revoked, instructed the Secretariat to identify such resolutions and circulars for consideration and appropriate action by MSC 68. The Secretariat prepared a list of IMO Assembly resolutions and circulars which could be revoked in document MSC 68/5/3. However, MSC noted that the provisions contained in several resolutions and circulars had not been fully incorporated into the relevant sections of the STCW Regulations and STCW Code and referred the document (MSC 68/5/3) to the STW Sub-Committee for consideration and advice (MSC 68/23, paragraph 5.4).

2 The ICFTU submitted document STW 29/7/2 to the twenty-ninth session of the STW Sub-Committee and informed that Sub-Committee that the matter needed further work and should be deferred to the next session (STW 29/14, paragraph 7.50). This was in view of the fact that the ICFTU proposal had followed the logic of the Secretariat document MSC 68/5/3 and had not challenged its underlying philosophy. However, before any conclusion can be reached, a fundamental matter of principle must be addressed: in view of the fact that there are many seafarers and maritime personnel (for example fishermen) who are not within the scope of the revised STCW Convention, does the fact that the contents of the Assembly resolutions and MSC circulars are fully incorporated into the revised STCW Convention make them redundant and, as such, they should be revoked. The ICFTU is firmly of the view that they may still be relevant and this is indicated by the fact that A.703(17), which was one of the resolutions identified as redundant, is referred to as a footnote in the 1995 STCW-F Convention. It should also be noted that, as the revision of the 1978 STCW Convention had not been finalized, the STCW-F Convention did not take into account the 1995 revisions to the STCW Convention.

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3 The Sub-Committee is invited to concur with the ICFTUs view that, although the Assembly resolutions and MSC circulars may have been fully incorporated into the revised STCW Convention, they may still be relevant for other maritime personnel who do not fall within the scope of the revised STCW Convention. However, in order to provide for greater clarity and to avoid any possible misunderstanding or confusion, it may be desirable to amend them to reflect the fact that the contents may have been made mandatory for seafarers who come within the scope of the revised STCW Convention.

4 The ICFTU is also of the view that some of the resolutions and circulars are still very relevant as they provide additional guidance, over and above that provided by the revised STCW Convention, and that they should be borne in mind when formulating national maritime legislation and for possible future amendments to IMO instruments.

5 While the ICFTU considers that some of the resolutions could be revised and updated, we are of the view that there is also a need to retain those which are relevant to maritime personnel not coming within the scope of the STCW Convention and where they contain additional guidance, over and above that provided in the STCW Convention. The ICFTU has provided, in the annexes, some suggestions on those resolutions and circulars which can be revoked and those which should be retained (even if they should be amended).

6 The ICFTU would also suggest that there is no compelling need to revoke the Assembly resolutions and MSC circulars before 2002 and therefore there is ample time to fully address the matter. One way would be to promulgate a further Assembly resolution and MSC circular which draws attention to the guidance contained in the retained Assembly resolutions and MSC circulars for non-STCW maritime personnel. However, it is doubtful whether such a mechanism would be compatible with the spirit and the letter of Assembly resolution A.850(20) (Human element vision, principles and goals for the organization), especially the principle that rules and regulations addressing the seafarers directly should be simple, clear and comprehensive.

7 The ICFTU would therefore suggest that the relevant sections of some of the Assembly resolutions could be consolidated into a single comprehensive Assembly resolution which would draw attention to the various sections relevant for maritime personnel not covered by the revised STCW Convention. However, in view of the importance attached to Assembly resolutions A.703(17) on GMDSS training and A.772(18) on fatigue factors, they should remain as stand alone instruments.

8 The ICFTU also considers that the provisions contained in the Assembly resolutions and MSC circulars which are still relevant to seafarers covered by the revised STCW Convention should be transferred to Part B of the STCW Code. This would be in line with the decision of MSC 69 that in order to prevent a proliferation of sources of guidance the clarifications provided in the STCW.7 series of circulars should be transferred into Part B of the STCW Code.

Action requested of the Sub-Committee

9 The Sub-Committee, is invited to concur with the view of the ICFTU as set out in paragraph 3 and to note the suggestions contained in the Annexes during its deliberations on the continued relevance of the listed Assembly resolutions and MSC circulars. The Sub-Committee is also invited to concur with the ICFTU suggestions contained in paragraphs 6, 7 and 8 on how to progress the matter.

ANNEX 1

IMO ASSEMBLY RESOLUTIONS

List of IMO Assembly resolutions superseded by the 1995 amendments
to the 1978 STCW Convention

Resolution	Title	Regulation	STCW Code
A.437(XI)	Training of crews in fire-fighting	VI/1 & 2	A-VI/1 & 2
A.537(13)	Training of officers and ratings responsible for cargo handling on ships carrying dangerous and hazardous substances in solid form, in bulk or in packaged form		B-V/4 & 5
A. 540(13)	Tonnage measurement of certain ships relevant to the International Convention on Standards of Training, Certification and Watchkeeping, 1978	I/15	

List of Assembly resolutions which are still relevant and should remain in force

Resolution	Title	Regulation	STCW Code
A 438 (XI)	Training and qualification of persons in charge of medical care on board ship	VI/4	A-VI/4

Note: The resolution makes reference to the ILO/IMO Document for Guidance (1985), especially Section 17 Appendix 3, which is more comprehensive and detailed than Section A-VI/4 of the Convention and Table A VI/4-2 of the STCW Code.

Resolution	Title	Regulation	STCW Code
A.482(XII)	Training in the Use of Automatic Radar Plotting Aids (ARPA)	II/1,2 & 3	A-II/1,2 & 3

Note: ARPA is now common on larger fishing vessels and therefore the guidance found in the resolution maybe valuable for the training of those personnel. Moreover, resolution 2 of the STCW-F Conference addressed radar simulation training. However, it would be desirable for the Assembly resolution to be revised to remove the references to the 1978 STCW Convention.

Resolution	Title	Regulation	STCW Code
A.483(XII)	Training in Radar Observation and Plotting	II/1,2 & 3	A-II/1,2 & 3

Note: As per the reasons given above for A.482, as the two Assembly resolutions are expressly linked.

Resolution	Title	Regulation	STCW Code
A.624(15)	Guidelines on training for the purpose of launching lifeboats and rescue boats from ships making headway through the water		B-VI/2

Note: Section B-VI/2 of the STCW Code does not contain all the provisions which are contained in the Assembly resolution.

Resolution	Title	Regulation	STCW Code
A.703(17)	Training of radio personnel in the Global Maritime Distress and Safety System (GMDSS)	IV/2	B-IV/2

Note: The resolution contains some additional guidance over and beyond that provided in the revised STCW Convention. The resolution is expressly referred to, by way of a footnote in the 1995 STCW-F Convention with regard to Regulation 6. Moreover, MSC/Circ.803 called for the participation of non-SOLAS ships within the GMDSS system and resolution MSC.77(69) called for all new VHF radio equipment to be equipped with DSC facilities and for the personnel required to operate such equipment on non-Convention ships to be suitably trained. In view of the unacceptably high number of false alerts within the GMDSS system it could be misinterpreted if this resolution was revoked. However, it would be advantageous if it was updated.

Resolution	Title	Regulation	STCW Code
A.772(18)	Fatigue factors in manning and safety	VIII/1	A-VIII/1

Note: STCW regulation VIII/1 and section A-VIII/1 do not cover all aspects of fatigue factors in manning and safety and there is a footnote in the STCW Code referring to this Assembly resolution for further guidance. Moreover, the issue of fatigue affects all maritime personnel and the guidance provided is also relevant to fishing vessel personnel, maritime pilots, tugboat personnel, VTS operators and those seafarers not directly covered by the watchkeeping provisions of the revised STCW Convention.

ANNEX 2

IMO MSC CIRCULARS

List of IMO MSC circulars superseded by the 1995 amendments to the 1978 STCW Convention

Circular	Title	Regulation	STCW Code
MSC/Circ.143	Training and qualification of officers and crews of ships carrying hazardous or noxious cargo in bulk		B-V/5
MSC/Circ.393	Harmonised interpretation of certain provisions of the STCW Convention		B-II, B-III, B-IV, B-V, B-VII, B-IX
MSC/Circ.472	Guidelines on the definition of near-coastal voyages	I/3	B-I/3
MSC/Circ.564	Co-operation in establishing a database of examination questions and answers		B-XI
MSC/Circ.579	Simulator training	I/12	A-I/12, B-I/12
MSC/Circ.595	Principles and guidelines concerning drug and alcohol abuse programmes	V-III/1	B-VIII/2
MSC/Circ.634	Drug use and alcohol abuse	VIII/1	B-VIII/2

List of MSC circulars which are still relevant and should remain in force

Circular	Title	Regulation	STCW Code
MSC/Circ.493	Recommendation related to fatigue factors in manning and safety	VIII/1	A-VIII/1

Note: STCW regulation VIII/1 and section A-VIII/1 do not cover all aspects of fatigue factors in manning and safety and the issue of fatigue affects all maritime personnel and the guidance provided is also relevant to fishing vessel personnel, maritime pilots, tugboat personnel, VTS operators and those seafarers not directly covered by the watchkeeping provisions of the revised STCW Convention.

Circular	Title	Regulation	STCW Code
MSC/Circ.565	Fatigue as a contributory factor in maritime accidents	VIII/1	A-VIII/1

Note: The STCW regulation VIII/1 does not cover all the aspects related to fatigue and manning. It should also be noted that this circular is addressed to accident investigators.

Circular	Title	Regulation	STCW Code
MSC/Circ.619	Minimum in-service eyesight standards	I/9	B-I/9

Note: Although the 1995 STCW-F Convention requires that skipper, officers, engineer officers and radio operators satisfy the Party as to medical fitness, especially regarding eyesight and hearing no guidance is provided. The guidance may also be useful for the development of national requirements for those maritime personnel who are outside the scope of the revised STCW Convention.
