

MARITIME SAFETY COMMITTEE
104th session
Agenda item 15

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WORK PROGRAMME

Comments on document MSC 104/15/5

Submitted by ITF

SUMMARY

Executive summary: This document provides comments on document MSC 104/15/5 which proposes a new output concerning a review and revision of the STCW Convention and Code

Strategic direction, if applicable: 1, 2, 5 and 6

Output: Not applicable

Action to be taken: Paragraph 21

Related documents: HTW 4/INF.4; HTW 5/15/5, HTW 5/16, HTW 5/INF.5; HTW 6/9, HTW 6/9/1, HTW 6/12 and Corr.1, HTW 6/12/3, HTW 6/12/5, HTW 6/12/6, HTW 6/13; HTW 7/6, HTW 7/9, HTW 7/11, HTW 7/11/1, HTW 7/12; ISWG-MASS 1/2/20; MSC 100/17/7; MSC 101/21/1, MSC 101/21/18, MSC 101/24; MSC 102/5/17, MSC 102/5, MSC 102/5/1; MEPC 73/19; MEPC 74/18/Add.1; NCSR 4/29 and FAL.5/Circ.39/Rev.2

Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.2) and offers comments on document MSC 104/15/5 (Australia et al.).

Background

2 In 1978, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (the "STCW 1978 Convention") was adopted as the need for unified rules on the matters outlined in the STCW Convention were recognized by the international maritime community.

3 The first significant amendment occurred in 1995, which established the STCW Code, serving as a specific document to provide KPIs (the "1995 Amendment").

4 Following the 1995 Amendment, in 2010 there was a second round of significant amendments to the 1978 STCW Convention (the "2010 Amendments") which to a certain extent aligns more closely to the Maritime Labour Convention, 2006 (adopted under the auspice of the International Labour Organization) and the STCW Convention.

5 The 1978 Convention and its subsequent amendments are jointly referred to as the STCW Convention.

6 The 2010 Amendments, expressly allowed the maritime community to exercise a review and revision of the STCW Convention and its Code following a 10-year period since the adoption of the 2010 Amendments.

7 As correctly mentioned in document MSC 104/15/5, the STCW Convention has undergone numerous additional amendments since its adoption.

8 The 1978 Convention, 1995 Amendments and 2010 Amendments were a reflection of its time, in line with the developments applicable at the moments of their adoption.

Discussion and comments

9 Since the adoption of the 2010 Amendments, more than 10 years has passed and the application of the STCW Convention in practice has shown that many changes can and have occurred in technological, regulatory and operational developments.

10 A clear example of this are the relatively recent developments which have significantly changed our perception of the future when considering the use of technological systems such as Maritime Autonomous Surface Ships ("MASS"), and the position of ITF is that the operation of MASS must be regulated within the scope of the STCW Convention and Code.

11 Regarding the proposition stated in paragraph 15.8 of document MSC 104/15/5, which suggests that revisions and amendments would allow for certain extensions in exceptional circumstances, it is ITF's position that the last 18 months have shown that flag States have all the flexibility they need for such extraordinary circumstances. ITF does not support any attempts to make it easier for flag States to ignore requirements of the STCW Convention and Code when it becomes inconvenient.

12 ITF could agree with all of the benefits stated in paragraph 19 of document MSC 104/15/5, however, it is important to emphasize that since the beginning of these discussions, ITF's position has been that the STCW Convention and Code must be baseline regulatory documents, while simultaneously remaining sufficiently flexible to allow for additional technological, regulatory and operational developments to be made as necessary. At the same time, the STCW Convention and Code must not lose its structure as a mandatory document for all signatory parties.

13 At HTW 6, ITF held a strong position that there should be a constant targeted review of the STCW Convention and Code in order for it to keep up with the pace of new developments so as for the amendments to not just be reactive, but also proactive.

14 Furthermore, ITF could agree that the time has come for a comprehensive review, as the technological and technical advancements have overrun what was contemplated at the time of the 1978 Convention, the 1995 Amendments and 2010 Amendments, respectfully.

15 In annex 3 to document MSC 104/15/5, the determination of the submitters regarding the expected date for entry into force and implementation/application to be 2035, which is 14 years from now, is a realistic one.

16 However, the STCW Convention and the Code should not be superseded with a new convention or a number of conventions, but rather there should be an establishment of a mechanism that would allow for continuous improvements to follow all technological, regulatory and operational developments so as to better ensure the safety of the human element and provide for greater environmental protection.

17 Furthermore, there are existing and applicable industry standards that seafarers are required to follow, including but not limited to, OPITO Standards and Certification for Oil and Gas industry. These could be taken into consideration when performing the review exercise.

18 ITF's position continues in line with its long-established policies. Any revisions must consider the human element and the need to ensure a just transition for workers in order for existing skill sets and certifications to successfully carry over into any future work covered by the Convention and Code.

19 Based on the proposed entry into force date, it is clear that any reviews and revisions not performed at a date close to the implementation, may at the time of implementation be considered obsolete or no longer relevant on their own, due to the fast pace of developments in the industry that may occur whilst the review is being undertaken. Any revisions made to the STCW Convention and especially the Code should not be exclusively focused on just the current developments, but should also take into consideration any potential future developments which may affect the scope, applicability and the requirements of the Convention and Code.

20 In line with the position on the revision of the Convention and Code, while ITF recognizes that a comprehensive review of the STCW Convention and Code is necessary at this point in time, the most effective manner to keep up with the pace of technological, regulatory and operational developments, is not a comprehensive review every decade or longer, but rather an overdue establishment of a targeted review and revision mechanism, which would allow any relevant amendments to be made to the STCW Convention and Code on a continuous basis, as needed.

Action requested of the Committee

21 The Committee is invited to consider the above comments and take action, as appropriate.
