

COMMENTARY ON CHAPTER I:

GENERAL PROVISIONS

The first chapter of the Annex to the STCW Convention covers a wide spectrum of administrative and procedural matters which affect the interpretation and application of the technical requirements in the remaining seven chapters.

Regulation I/1 - Definitions and Clarifications

Although several important definitions are given in Article II of the Convention, the definitions which affect the meaning of the technical requirements of STCW are provided in the first regulation of Chapter I. Shipboard positions or capacities, such as master, chief mate, chief engineer officer, radio operator, rating, and certain classes of ships, such as oil tanker and ro-ro passenger ship, are defined in this regulation. But the following terms and definitions are particularly significant for understanding the rest of the Annex and the STCW Code:

"Approved" means approved by the Party in accordance with the regulations in the Annex. This term is used in connection with requirements for "approved training", "approved seagoing service", "approved training record book", "approved simulator training" etc. In each case, there are requirements which must be met before a party can give its approval.

"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. This term is important because the standards of competence set out in the remaining chapters are based on seven functional areas at three levels of responsibility (which are broadly defined in section A-I/1 of the STCW Code).

Chapter II contains standards of competence for the following three functions:

.1 NAVIGATION, at the *operational* level (officer in charge of the navigational watch); at the *management* level (master and chief mate); and at the *support* level (rating forming part of the navigational watch);

.2 CARGO HANDLING AND STOWAGE, at the *operational* and the *management* levels; and

.3 CONTROLLING THE OPERATION OF THE SHIP AND CARE FOR PERSONS ON BOARD, at the *operational* and the *management* levels.

Chapter III contains standards of competence for the following four functions:

.1 MARINE ENGINEERING, at the *operational* level (officer in charge of the engineering watch); at the management level (Chief Engineer and second engineer officer); and at the *support* level (rating forming part of the engineering watch or assigned duties in a periodically unmanned engine-room)

.2 ELECTRICAL, ELECTRONIC AND CONTROL ENGINEERING, at the *operational* and the *management* levels;

.3 MAINTENANCE AND REPAIR, at the *operational* and the *management* levels; and

.4 CONTROLLING THE OPERATION OF THE SHIP AND CARE FOR PERSONS ON BOARD, at the *operational* and the *management* levels. The requirements for this functional area are nearly identical in Chapters II and III; but medical care is not included in the management level in Chapter III (chief engineer).

Chapter IV contains standards of competence for the following function:
RADIOCOMMUNICATIONS at the operational level (e.g., radio operator)

"Appropriate certificate" means a certificate issued and endorsed in accordance with the provisions of the Annex and entitling the holder to serve the capacity and perform the function(s) involved at the level of responsibility stated on the certificate. Use of this term ensures that an individual will not be considered to be properly certificated if the document he or she holds has not been issued and endorsed in accordance with the requirements of the STCW Convention. This can have practical importance in a port control situation where the port State has reason to doubt that the flag State is issuing and endorsing certificates in accordance with the Convention.

"STCW Code" means the Seafarers' Training, Certification and Watchkeeping (STCW) Code as specially adopted by the 1995 Conference, and as it may be amended. This definition allows the STCW Code -- in particular, Part A of the Code -- to be referred to in the regulations in the Annex.

A clarification in regulation I/1 establishes the formal link between the regulations in the Annex and the STCW Code. Any reference to a requirement in a regulation is understood to constitute -a reference to the corresponding section of Part A of the STCW Code. Part B of the Code, though not mandatory, "should be taken into account" in applying the regulations.

Regulation I/1 also provides that Part A of the Code can only be amended by following the procedures in Article XII of the Convention which apply to the Annex. This process takes a year or more. Part B, on the other hand, can be adopted by the Maritime Safety Committee of the IMO, without following the formalities of the Article XII procedures.

Regulation I/2 - Certificates and Endorsements

Article VI of the STCW Convention requires certificates to be endorsed in the form prescribed in regulation I/2 of the Annex. This regulation provides formats for (a) separately endorsing a national certificate (i.e., "endorsement attesting the issue of a certificate"); (b) combining the national certificate with the national certificate ("certificate"); and (c) adding a flag State endorsement to an endorsement already issued to an individual by another Party to the STCW Convention (i.e., "endorsement attesting the recognition of a certificate").

The forms are set out in Section A-I/2 of the STCW Code. Each form must include certain basic information, such as (1) The country issuing the document and an official seal; (2) the STCW regulation under which the holder has been found to be qualified; (3) the capacity or capacities in which the holder is qualified to serve, using terminology identical to terms used for such capacities in the ship's safe manning document; (4) the function which the holder is competent to perform at a particular level of responsibility (unless it is apparent from the STCW regulation already cited on the certificate); (5) any limitations which apply to the individual, such as size of vessel; (6) a unique certificate number; (7) date of issue; (8) date of expiry (which cannot be more than five years after date of issue); (9) signature of the holder of the certificate, along with a photo and date of birth; and (10) name and signature of an authorized official. Extensions of validity may also be indicated on the certificate. Variations in how this information is presented on a form are permitted, within certain restrictions.

Other than establishing the items of information which are to be included on the -form, regulation I/2 also includes a number of important requirements concerning the use of the form. For example, the form is only to be issued if all of the relevant requirements of the convention have been met. Consequently, a document issued to someone who does not meet the requirements is not a valid "appropriate certificate" for purposes of port State control.

A seafarer must keep the original of his or her endorsement available while serving on a ship. However, provision is made under Regulation I/2 for cases where a seafarer moves from a ship flying the flag of one country to the ship flying the flag of another. By cross reference to regulation I/10 (Recognition of certificates), regulation I/2 allows a seafarer to serve up to three months while holding an STCW endorsement or certificate issued by another Party to STCW while the flag State completes its procedures for issuing a recognition endorsement.

Regulation I/3 - Principles governing near-coastal voyage

As defined in Regulation I/1 (definitions and clarifications), "near-coastal voyages" are voyages in the vicinity of a Party as defined by that Party. Standards of training, experience or certification may be different for person serving on vessels engaged in near-coastal voyages than those engaged on ocean voyages; however, Parties are not to use this provision to give ships flying their own flag an advantage over ships of other countries. Parties which define near-coastal voyages are to communicate the details to the Secretary-General of IMO.

Regulation I/4 - Control Procedures

Article X of the STCW Convention specifically allows a ship to be detained if deficiencies referred to in paragraph 3 of regulation I/4 are not corrected and such deficiencies pose a danger to persons, property, or the environment. Regulation I/4 allows detention for such deficiencies as (1) failure of seafarers to hold an "appropriate certificate"; (2) failure to comply with the flag State's safe manning requirements; (3) failure of navigational and engineering watch arrangements to conform to flag State requirements; (4) absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radiocommunications, or prevention of marine pollution; and (5) inability to provide rested persons to maintain the watch.

A control officer from the port State is entitled to go on board to verify that the crewmembers hold proper certificates, and that the number of seafarers conforms to the safe manning document. The control officer may actually assess the ability of the crew to maintain watchkeeping standards if there are clear grounds for believing such standards are not being maintained. As part of this assessment a crewmember can be required to demonstrate his or her skills at the place of duty. However, the methods and criteria used in such an on-board assessment are to be those given in the relevant sections of Part A of the STCW Code (i.e., the tables of competence -- as discussed further in this handbook, under chapters II and III).

Regulation I/5 – National Provisions

This regulation requires Parties to (a) have a process for investigating allegations of incompetency and for withdrawing, suspending or revoking certificates for cause or to prevent fraud; and (b) to prescribe penalties or disciplinary procedures for certain kinds of offenses (such as a company or master engaging a person not holding the required certificate).

Regulation I/6 - Training and Assessment

This is a significant regulation which affects all of the training and assessment requirements under other regulations by requiring Parties to ensure that instructors, supervisors and assessors are appropriately qualified for the types and levels of training or assessment of competence of seafarers either on board a ship, at shore-side facilities, or by use of simulation. Those involved in training and/or assessment must be qualified in the task for which the training/assessment is being conducted, and must have guidance in instructional techniques and assessment methods, as appropriate.

Regulation I/7 - Communication of Information

In addition to information and materials which must be communicated to IMO under Article IV of the STCW Convention, Parties are to provide information such as the following:

information on governmental organization; explanation of legal and administrative measures taken to comply with the convention; a statement of relevant education, training, examination, assessment and certification policies; an outline of procedures and conditions used for authorizations, accreditations and approvals; and the outcome of evaluations carried out under the quality standards requirements of regulation I/B (discussed below). For the full list of information required to be submitted to IMO, see Section A-I/7 of the STCW Code.

Timely submission of this information is important because, under regulation I/7, the Secretary-General is to report to the Maritime Safety Committee (MSC) when (a) complete information has been received and (b) "such information confirms that full and complete effect is given to the provisions of the Convention." The Secretary-General may invite the assistance of experts or "competent" persons in preparing the report to MSC. The competent persons will be drawn from a list which is approved by the Committee.

On receiving the Secretary-General's report that a Party's information is complete and the Party is giving full effect to the Convention, the MSC will confirm the Secretary-General's finding, and identify the Party as meeting its obligations. This is called the IMO White List. Other Parties then have a documentary basis for presuming that the certificates being issued by that Party are in compliance with the Convention.

Regulation I/8 - Quality Standards

Under this regulation, Parties are required to ensure that all training, assessment of competence, and certification activities are continuously monitored through a quality standards system to ensure achievement of defined objectives. An "independent evaluation" of the knowledge, understanding, skills and competence acquisition and assessment activities, as well as of the administration of the certification system, is to be conducted at intervals of not more than five years. The evaluation must be conducted by persons who are not themselves involved in the activities concerned to verify that -

- (1) internal management activities comply with planned arrangements and documented procedures, and are effective in achieving defined objectives;
- (2) the results of the independent evaluation are documented and brought to the attention of those responsible for the area being evaluated; and
- (3) action is taken to correct deficiencies.

Information from the evaluation process is to be sent to IMO.

Section B-I/8 of the STCW Code provides guidance on applying a quality standards system to training and assessment activities.

Regulation I/9- Medical standards - Issue and registration certificates

This regulation contains three obligations. Parties must establish standards of medical fitness for seafarers, particularly in the areas of eyesight and hearing. Section B-I/9 of the STCW Code provides internationally-agreed guidance on eyesight standards; other standards of medical fitness for seafarers are likely to be developed cooperatively by the [World Health Organization](#) (WHO) and the [International Labor Organization](#) (ILO).

Parties are also required by the regulation to require candidates for certificates to provide proof of their identify and of other matters establishing their qualification to receive a certificate; such as seagoing service, training, and competency

to serve in a capacity or perform a function at a particular level in accordance with the requirements of the convention.

The third obligation in the regulation is for Parties to maintain a register of certificates to allow other Parties or companies to verify the authenticity and validity of certificates which are presented to them.

Regulation I/10 - Recognition of Certificates

This regulation places a responsibility on a country which permits holders of certificates from other countries to be employed on ships flying its flag, to have a process for (a) confirming that the original certificate was issued in compliance with the convention, and for (b) issuing an endorsement attesting to the recognition of the certificate issued by the other Party.

The flag State may permit the person holding a certificate issued by another Party to continue serving on its ships for up to three months while the recognition endorsement is being processed. But in this case, documentary proof that application for an endorsement has been submitted to the flag State must be readily available in case questions are raised during a port control visit.

A recognition endorsement issued by one flag State is not to be used as the basis for additional recognition endorsements by other flag States.

Regulation I/11 - Revalidation of Certificates

At intervals not more than five years, holders of certificates are to be required to meet standards of medical fitness, and establish continued proficiency on the basis of seagoing service, performance of equivalent shoreside functions, passing an approved test, or completing approved training. This conforms with the five-year limit on validity of certificates and endorsements under regulation I/2, as well as the five-year interval for establishing continued competence in basic safety skills (e.g., fire-fighting, first aid, personal survival and personal safety), as required in Chapter VI under regulation VI/1.

Regulation I/12 - Use of Simulators

Simulators are mandatory in only two cases: in training in RADAR and Automatic Radar Plotting Aids (ARPA). But simulators are identified frequently in the STCW code as an acceptable method or environment for demonstrating competence. Section A-I/12 of the STCW Code establishes specific performance standards for RADAR and ARPA, and general performance standards for simulators otherwise used for training or assessment activities conducted to meet a requirement of the convention.

Simulators installed or brought into use prior to February 2002 may be exempted from full compliance with the performance standards at the discretion of the Party concerned. Under regulation I/6, instructors and assessors who conduct training or assessment activities involving the use of simulators must have appropriate practical experience on the type of simulator being used. Section B-I/12 of the STCW Code provides detailed guidance on the use of simulators for training and assessment of candidates for STCW certificates.

Regulation I/13 - Conduct of Trials

This regulation permits Parties to allow ships flying their flag to participate in trials or experiments involving the use of automated or integrated systems for the purpose of evaluating methods of performing duties or satisfying particular arrangements prescribed by the convention. Parties authorizing trials are to keep the IMO informed of the details, and are to ensure that trials are conducted in accordance with the relevant IMO guidance.

Regulation I/14 - Responsibilities of Companies

Flag States are to require each company having responsibility for operational control of a ship to ensure that (1) seafarers on the ship hold appropriate certificates, (2) the ship is manned in compliance with flag State manning requirements; (3) records are maintained on the experience, training, medical fitness and competence of seafarers employed on the ship; (4) newly employed.

Regulation I/5 - Transitional Provisions

Unlike Article VII of the STCW Convention, which provides a phase-in period of five years for countries which newly become Parties to the convention, Regulation 1/15 provides a transition schedule for bringing fully into effect the 1995 Amendments to the Convention.

Essentially, under this regulation, Parties may continue to issue, recognize and endorse certificates in accordance with the 1978 version of the STCW Convention until 2002. But this is only permitted in respect of seafarers who, as of August 1, 1998, have already begun their seagoing service or are already involved in training activities as required by the Convention.

In the case of a person who enters the system, so to speak, after July 31, 1998, and in the case of all candidates for certification or endorsement after 31 January 2002, STCW Certificates or endorsements may be issued only if the full requirements of the Convention (as amended in 1995) have been met.

This concludes the discussion of the General Provisions in Chapter I of the Annex to the STCW Convention. The remaining sections of this handbook address the more specific requirements associated with qualifying for specific certificates, the range of flexibility available under the convention, and the requirements for watchkeeping arrangements.