



THE NEW STCW CONVENTION

By Dr. James Cowley

Republic of Vanuatu Maritime Bulletin

Introduction

Legally, "The 1995 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978" is not a new Convention but the changes are so far reaching that the revised document (referred to in this document as "STCW 95") must be treated as such. A background to STCW was provided in Vanuatu's Spring/Summer 96 NEWSLETTER and several aspects of it were covered in the VMS Maritime Bulletin 108, November 1996, entitled "Legislation and Responsibilities". However, at the risk of some duplication, this Bulletin will be broadly self-contained but it should be used only as an introduction to, and not as a substitute for, a detailed study of STCW 95.

The STCW 78 Convention was the first global Convention to establish minimum professional standards for seafarers. It reflected the highest practicable standards which could be globally agreed at the time of its adoption. The main criticism of STCW 78 has been the general lack of precision in its standards which were left "to the satisfaction of the Administration" and resulted in varying interpretations of its standards.

Since its development, the structure of the world's merchant fleet and the management and manning of its ships have changed. The fleets of traditional maritime countries have declined and the major sources of supply of seafarers have changed. Criticism of the 1978 Convention has gradually grown and in 1993 it was decided that high priority must be given to its revision under an accelerated procedure.

The Format of STCW 95

The revised Convention is formed of four parts: The Articles; the new Regulations; the STCW Code, Part A (mandatory); the STCW Code, Part B (recommendatory). The Articles, which contain the legal provisions of the Convention, are identical to those of STCW 78 because, in practice, it is impossible to amend them. However, it is important to note that they contain a "no more favourable treatment" provision which means that non-Parties' seafarers have to meet the standards of the Convention, i.e., there is no advantage in not becoming a Party. Also, no dispensations may be issued in the case of radio officers or operators but, in exceptional circumstances, dispensations may be issued to other officers. All dispensations must be reported to IMO.

The Regulations have been completely revised. An indication of the major changes to the general provisions (Chapter I) may be gained from Table 1. A more detailed explanation of the most significant changes is given within this Bulletin.

For each Regulation there is a corresponding requirement in the Mandatory Code (Part A) which bears the same number as the Regulation but has the prefix "A". For example, Section "A-VI/2" expands the requirements of "Regulation VI/2". The Non-Mandatory Code (Part B) provides guidance on the requirements of Part A and uses the prefix "B" (e.g., "Section B-VI/2").

Table 1

Regulation	Summary of Changes
I/1 - Definitions and clarifications	Some definitions changed. New definitions and clarifications added. Further definitions are given in the Code (Part A).
I/2-Certificates and endorsements	Certificates must be endorsed by flag State. Endorsement format revised.
I/3-Principles governing near-coastal voyages	Report requirement to IMO included
I/4- Control procedures	Safe manning compliance and ability to maintain watchkeeping standards may be checked through Port State Control
I/5- National provisions	Incompetency to be investigated. Penalties to be prescribed and imposed for Convention infractions.
I/6- Training and assessment	Trainers and assessors must be qualified, whether on board or ashore
I/7-Communication of information	Parties must report by 1 August 1998 on Convention implementation
I/8- Quality standards	Quality standards apply to all training and certification activities. Five yearly external audit
I/9 - Medical standards - Issue and registration of certificates	Parties must establish medical standards. Registers of certificates must be maintained and be accessible
I/10 - Recognition of certificates	Flag State must confirm standards are met and must issue endorsement or own certificate
I/11 - Revalidation of certificates	Requirements harmonized. Parties must compare old and new standards. Need for refresher training to be determined
I/12 - Use of simulators	Standards regarding performance and use for mandatory training in the use of radar, assessment or demonstration of competence
I/14- Responsibilities of companies	Crew certification, familiarisation and ability to co-ordinate activities. Manning compliance.
I/15 - Transitional provisions Regulation I/15 concerns existing certificates and endorsements provisions only. All other requirements apply from 1 Feb. 97	1 Feb. 97 - All requirements apply 1 Feb. 97 - Tonnage limits may be replaced: 200 gt by 500 gt; and 1600 gt by 3000 gt 1 Aug.98 - New entrants meet new standards 1 Feb. 02 - All candidates meet new standards

Functions and Responsibility Levels

It is pertinent to note that the mandatory Code refers to seven functions: Navigation; Cargo handling and stowage; Controlling the operation of the ship and care for persons on board; Marine engineering; Electrical, Electronic and Control engineering; Maintenance and repair; Radio communications; at the following levels of responsibility:

- a) **"Management level"** - means the level of responsibility associated with:
 - a.1 serving as master, chief mate, chief engineer officer or second engineer officer on board a seagoing ship; and
 - a.2 ensuring that all functions within the designated area of responsibility are properly performed;
- b) **"Operational level"** - means the level of responsibility associated with:
 - b.1 serving as officer in charge of a navigational or engineering watch or as designated duty engineer for periodically unmanned machinery spaces or as radio operator on board a seagoing ship; and
 - b.2 maintaining direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction of an individual serving in the management level for that area of responsibility;
- c) **"Support level"** - means the level of responsibility associated with performing assigned tasks, duties or responsibilities on board a seagoing ship under the direction of an individual serving in the operational or management level (e.g. ratings).

STCW 95 Implementation Procedure

Overview

An accelerated procedure was used so as to bring the entry into force date forward to 1st February 1997, i.e., only 20 months after the July 1995 Conference. The Convention contains transitional arrangements relating to those provisions of the Convention which applied immediately prior to 1st February 1997 for seafarers who commenced their qualifying sea service before 1st August 1998.

Implementation Problems

This poses problems for Parties when implementing some of the provisions of Chapters V and VI of STCW 95 particularly in relation to training under Regulation V/2 (Mandatory minimum requirements for the training and qualification of masters, officers, ratings and other personnel on ro-ro passenger ships); and Regulation VI/1 (Section A-VI/1, paragraph 2, Basic safety training and instruction for all seafarers with designated safety or pollution responsibilities). The situation regarding ro-ro training (Regulation V/2) is complicated in as much as the standards for crisis management and human behaviour can only be adopted by the Maritime Safety Committee meeting in May 1997 (after the implementation date of February 1997). Administrations may delay the full implementation of the Standards in Regulation V/2, paragraph 5, up to 1st August 1998. In respect of paragraphs 1,2,3 and 4 of Regulation V/2, Administrations are strongly encouraged to ensure that the necessary training and documentation is completed by 1st February 1997.

Basic Training

Basic Training (Regulation VI/1) requires that seafarers receive familiarisation and basic safety training or instruction in accordance with Section A-VI/1 of the STCW Code and meet the Code's standard of competence by 1st February 1997. However, Administrations are recommended to treat each case on its merits and, in doing so, take full account of the standards of competence given in Section A-VI/1-2 of the Code. This topic is covered more deeply under "Shipowners' Responsibilities".

Advanced Fire Fighting

Regulation VI/3 (Training in advanced fire fighting) specifies that seafarers designated to control fire-fighting operations have successfully completed advanced training in techniques for fighting fires with particular attention on organisation, tactics and commands in accordance with the provisions of Section A-VI/3 of the STCW Code. It is important to note that, where training in advanced fire-fighting is not included in the qualifications for the certificate or license to be issued,

a special certificate or documentary evidence as appropriate must be issued indicating that the holder has attended a course of training in advanced fire-fighting.

Medical first aid and medical care A similar situation applies in Regulation VI/4 where seafarers designated to provide first-aid on board ship must meet the standard of competence in first-aid specified in Section A-VI/4, paragraphs 1 to 3 of the STCW Code. Seafarers designated to take charge of medical care on board ship must meet the standard of competence specified in Section A-VI/4, paragraphs 4 to 6 of the STCW Code. Similar requirements relating to documentation (see advanced fire-fighting above) apply in respect of special certification for training in medical first-aid or medical care.

Tonnage Limits The single relaxation compared with STCW 78 is that the tonnage limits appearing in original certificates may be replaced as follows

- a) "200 gross registered tons" may be replaced by "500 gross tonnage"; and
- b) "1600 gross registered tons" may be replaced by "3000 gross tonnage".

Clarification of the Convention Requirements and Comparison with the STCW 78 Requirements

Overview From the above discussion on parts of just two Chapters of STCW 95, it will be noted that the situation is complicated. Since the Convention document was published, two working group meetings and a meeting of the STCW sub-Committee have been engaged on clarifying its requirements. To assist the Industry in complying with the requirements, a table of differences between STCW 78 certification requirements and STCW 95 certification requirements has been produced and circulated as STCW.7/Circ 1. As a result of the three meetings, the following documents were produced to assist in implementing the provisions of STCW 95:

- a) A table of differences as indicated above;
- b) Information on Clarification of Regulation 1/15 of STCW 95 and on implementation of the provisions of Chapters V and VI and on revalidation of certificates STCW 78;
- c) The list of certificates or documentary evidence required under the STCW Convention, which give details of whether an endorsement is needed and records or certificates which should be maintained in a register or registers; and
- d) For the purposes of Regulation I/9.4.1, guidelines on the development of a data base for certificate registration.

The register or registers mentioned above must include 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. The Party must 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.

Copies of STCW 7/Circ 1. may be obtained from VMS, NY.

Existing Seafarers and Certification

Seafarers who commenced QSS before 1 August 1998. Those seafarers who commenced qualifying sea service (QSS) before 1st August 1998 may continue to serve and have their certificates endorsed and re-validated in accordance with the provisions of the STCW 78 until 1st February 2002 when they must meet the STCW 95 standards. If they already meet STCW 95 standards or reach those standards before 1st February 2002, they may be issued with STCW 95 certificates/licenses and endorsements. They may, however, need further training and certification if they are designated to: control fire-fighting operations (Regulation VI/3); provide medical first aid (Regulation VI/4-1); take charge

of medical care (Regulation VI/4-2); or are assigned specific duties and responsibilities on certain types of ships (Chapter V). The problems associated with Chapters V and VI are covered under "Implementation Problems" above.

Seafarers who commence QSS on or after 1 August 1998. Such seafarers must be trained in accordance with the STCW 95 standards and issued with documentation in accordance with STCW 95 requirements.

After 1st February 2002 All seafarers must reach the STCW 95 standards by 1st February 2002 and be issued with STCW 95 documentation. Each Party must compare the standards of competence which it required of candidates for certificates issued before 1st February 2002 with the STCW 95 requirements and determine the need for the holders to undergo refresher and updating training or assessment (Regulation I/11). The Party must also make available, to ships entitled to fly its flag, the texts of the relevant regulatory changes in order that appropriate updating training may be arranged.

Recognition of Certificates and their Endorsement

Overview These topics, which are covered by Regulations I/2 and I/10 (and Sections A-I/2 and A-I/10) are of particular importance to Vanuatu and other open registers. The established principle is that any country issuing or using a certificate issued by another country must accept responsibility for ensuring that it was issued in accordance with the STCW Convention and that the holder meets the prescribed standards. Endorsements must be in a prescribed format and given a unique number.

Recognition of Foreign Certificates. Under Regulation I/10, in order to recognise, by endorsement, a certificate issued by or under the authority of another, the Administration must confirm, 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 obtain an undertaking from 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.

Knowledge of Flag State Legislation It must also be ensured that such seafarers have an appropriate knowledge of the maritime legislation of the Administration (i.e. flag State). As mentioned earlier, Maritime Bulletin 108 provides a full explanation of Vanuatu's legislation for use of its officers.

Non-Party Certificates etc. Non-Party certificates cannot be recognised and therefore, before the certificate or candidate can be accepted, an assessment of the training establishment must be made. A similar assessment will need to be made of individual training establishments in countries who have not achieved IMO's "White List" status.

Time Allowance for the Endorsement Process There is a relaxation, obtained by Vanuatu, that "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 ". This relaxation, however, in no way changes the requirements of the Vanuatu Maritime Act which stipulates in Section 8 that an owner is responsible for ensuring that an officer has a proper Vanuatu license. The section prescribes a monetary penalty for each such failure. The Act does provide for a waiver of the fine if a license is obtained within 30 days of receipt of any report which shows the failure to have the license.

Communication of Information to IMO

Overview

Regulation I/7 and Section A-I/7 include the most far-reaching requirements ever imposed by IMO. Until the Maritime Safety Committee (MSC) gives a positive confirmation that a Party has met all the requirements of STCW, other Parties (e.g. port States) need not accept the certificates and licenses issued by that Party. Member Governments have had to forfeit sovereignty and for the first time IMO itself is given authority over individual Parties. Parties will be required to provide detailed information to IMO concerning administrative measures taken to ensure compliance with the Convention, education and training courses, certification procedures and other factors relevant to implementation. This information will be used by MSC to identify Parties that are able to demonstrate that they can give full and complete effect to the Convention. Governments will have to establish that they have the administrative, training and certification resources necessary to implement the Convention. No such proof is required in STCW 78 or in any other IMO instrument.

Quality Standards

Overview

Regulation I/8 and Section A-I/8 require a quality standards system to be used where training, assessment of competence, certification, endorsement and revalidation activities are carried out. Guidance covering this subject is contained in Section B-I/8 of the Code. This subject is bound to be troublesome even though the Regulation does not call for an ISO 9000 system (the auditors of which would not, in general, meet the professional knowledge standards).

External Audits

The Regulations specify an external auditor and Administrations will need to provide details of suitable external auditors and their terms of reference. There are significant cost considerations since they "shall ensure that an independent evaluation is carried out of the knowledge, understanding, skills and competence acquisition and assessment activities, and of the administration of the certification system, are conducted at intervals of not more than five years in order to verify that all internal management control and monitoring measures and follow-up actions comply with planned arrangements and documented procedures and are effective in ensuring achievement of the defined objectives". In fact the requirements appear to implement ISM Code type requirements in more detail and before the operative dates for the ISM Code.

Competent Persons

Overview

Section A-I/7 also requires the Secretary-General to maintain a list of competent persons approved by the MSC who may be called upon to assist in the preparation of the report on the information submitted by Parties outlined above. Countries have been invited to forward nominations to IMO. Vanuatu has submitted the names of Mr. D. J. Sheetz (Vice President-Maritime Safety) and Dr. J. Cowley as its nominees. Meetings of those on the list may be held at the discretion of the Secretary-General and their views shall be taken into account in the report submitted to the MSC.

Section A-I/8 also covers matters primarily relating to officer producing countries which include the education and training objectives and that the related standards of competence to be achieved are clearly defined and identify the levels of knowledge, understanding and skills appropriate to the examinations and assessments required under the Convention. However, under the Amendments, flag States have additional responsibilities. Consequently, the breadth and depth of involvement of countries using the certificate holders certificated under the Amendments and the scope of their quality standards system needs careful study.

Responsibilities of Companies

Overview

Whilst shipping companies have always been responsible for ensuring that their ships are both safely manned and meet the Regulations, the Amendments introduce new detailed requirements similar in principle to, but more specific than, those of the ISM Code. By definition, "company" may include entities beyond the territorial jurisdiction of the flag State. In all cases, the flag State should

ensure that it exercises effective jurisdiction and control, if necessary through de-registration.

Compliance with Flag State Legislation Flag States have to produce legislation by which they require companies to ensure that:

- a) each seafarer assigned to any of its ships holds an appropriate certificate in accordance with STCW 95 and its own legislation;
- b) its ships are manned in compliance with the safe manning requirements of the flag State;
- 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.

In particular, written instructions to the master of each ship setting out the policies and the procedures to be followed to ensure that all seafarers who are newly employed on board the ship are given a reasonable opportunity to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of their duties, before being assigned to those duties. These policies and procedures must include:

- f) allocation of a reasonable period of time during which each newly employed seafarer will have an opportunity to become acquainted with the specific equipment the seafarer will be using or operating;
- g) ship specific watchkeeping, safety, environmental protection and emergency procedures and arrangements the seafarer needs to know to perform the assigned duties properly.
- h) the designation of a knowledgeable crew member who will be responsible for ensuring that an opportunity is provided to each newly employed seafarer to receive essential information in a language the seafarer understands.
- i) ensuring that seafarers are free from fatigue, that rest periods are observed and that watch schedules are posted and readily available for viewing by port State control officers and crew members (see "Watchkeeping" for more details).

Port State Control and Other Amendments to the General Provisions (Chapter I)

Overview

Regulation I/4 of STCW 95 puts increased emphasis on port State control but, in the absence of "clear grounds" for believing that the STCW 95 standards are not being maintained, control is limited to: verification that all officers' certificates are in order and that: the numbers and certificates of the seafarers are in conformity with the Safe Manning Document. In the event of "clear grounds", the certificates of ratings may be assessed in accordance with the control procedures given in Section A-I/4 of the mandatory code. This control may involve the assessment of the competence of individual seafarers in the place of duty.

The "clear grounds" mentioned above include: a collision, grounding or stranding; an illegal discharge; operations which pose a danger to persons, property and the environment and "deficiencies" which include: failure to hold an appropriate certificate; failure to comply with the Safe Manning Document's provisions; watch arrangements which do not conform with those specified by the flag State; absence in a watch of a qualified person; inability to provide for watches persons who are sufficiently rested and otherwise fit for duty.

It is thus essential that extreme care is taken to ensure that the detailed requirements of STCW 95 are met at all times to avoid detention and delay to the vessel.

- Investigations** Parties are required to establish procedures for investigating acts by persons to whom they have issued certificates that endanger safety or the environment. Penalties and other disciplinary measures must be prescribed and enforced where the Convention is not complied with (Regulation I/5);
- Simulators** Technical innovations, such as the use of simulators for training and assessment purposes have been recognised. Simulators will become mandatory for training in the use of radar and automatic radar plotting aids. Provisions covering the use of simulators, in particular radar and automatic radar plotting aids equipment, are contained in Regulation I/12 and Section A-I/12 of the STCW Code;
- Revalidation** Every master, officer and radio operator shall be required at intervals not exceeding five years to meet the fitness standards and the levels of professional competence contained in Section A-I/11 of the STCW Code.
- Medical Standards** All Parties must establish standards of medical fitness for seafarers, particularly regarding eyesight and hearing and ensure that candidates for certification provide satisfactory proof of their identity, age, medical fitness (including documentation from a qualified medical practitioner recognised by the Party), and provide other information relative to their competency.

Master and Deck Department (Chapter II)

Overview The watchkeeping provisions previously contained in Chapter II have been transferred to a new Chapter VIII and the revalidation requirements for masters and deck officers have been consolidated with those for engineer officers and radio operators in new Regulation I/11. The revised arrangement of Chapter II Regulations and the main changes made are given in Table 2.

Table 2

Regulation	Summary of main changes
II/1 Mandatory minimum requirements for certification of officers in charge of a navigational watch on ships of 500 gross tonnage or more	Approved education and training required in all cases. One year seagoing service as part of an approved training programme in accordance with Section A-II /1 and documented in an approved training record book or three years approved seagoing service. Must hold appropriate radio certificate i.e. hold a VHF certificate; and if designated to have primary responsibility for radio-communications in an emergency, hold an appropriate certificate.
II/2 - Mandatory minimum requirements for certification of masters and chief mates on ships of 500 gross tonnage or more	All reductions for special training eliminated. Minimum service for chief mate reduced to 12 months in charge of a navigational watch.
II/3 - Mandatory minimum requirements for certification of officers in charge of a navigational watch and masters on ships of less than 500 gross tonnage	Near coastal ships - Officer in charge of watch: Approved education and training required. Must hold appropriate radio certificate (i.e. as in II/1 above). Master: Approved education and training required.
II/4 - Mandatory minimum requirements for certification of ratings forming part of a navigational watch	Must be duly certificated.

In each of the above 4 cases the candidate must meet the competence standards which are detailed in numerous tables in the mandatory Code. For example, the minimum standard of competence for masters and chief mates is spelled out in 17 tables, each of 4 columns.

Engine Department (Chapter III).

Overview

The mandatory minimum requirements for certification of officers in charge of an engineering watch are defined in a similar manner to that outlined for deck officers. All engineer officers must undergo training in mechanical and electrical workshop skills relevant to the duties on board ship. In particular, every candidate for certification as officer in charge of an engineering watch in a manned engine-room or as designated duty engineer in a periodically unmanned engine-room of ships powered by main propulsion machinery of 750 kW or more must follow an approved programme of on-board training which:

- a) ensures that during the required period of seagoing service the candidate receives systematic practical training and experience in the tasks, duties and responsibilities of an officer in charge of an engine-room watch;
- b) is closely supervised and monitored by a qualified and certificated engineer officer aboard the ship in which the approved seagoing service is performed;
and
- c) is adequately documented in a training record book.

The minimum knowledge, understanding and proficiency required for certification is listed in tables in the Code and the prescribed level of competence must be tested and every candidate for certification must provide evidence of having achieved the required standard of competence in accordance with the prescribed methods for demonstrating competence.

Methods for Demonstrating Competence (Deck, Engine and other candidates).

The specified "methods for demonstrating competence" are exclusive and no other methods can be accepted. In all cases "approved" means approved by the Party under whose authority the certificate is to be issued. The approval of training or experience etc. by one Party does not necessarily mean that it has been or will be approved by another Party. Each Party is responsible for identifying, reviewing, specifying, approving and monitoring the quality of the types of training, experience, assessments and tests it will accept for the purposes of demonstrating competence for certification under the Convention. All Parties should make available to seafarers information on the training courses and programmes, types of seagoing experience etc. which they have approved.

Standards of Competence

A standard of competence has been established for each certificate issued under Chapters II, III, IV and VI. These standards are set out in tables which identify each individual element of competence, the associated knowledge, understanding and proficiency required, the methods which must be used to demonstrate that competence and the criteria by which that competence is to be evaluated.

The standard of competence required for a certificate of proficiency in survival craft and rescue boats other than fast rescue boats and those for certification in advanced fire-fighting and in medical first aid are all incorporated by reference in the requirements for certification as officer in charge of a navigational watch in seagoing ships of any size and for certification as officer in charge of an engineering watch. In the case of alternative certificates (Chapter VII), the standard of competence for each function and level of responsibility is identified in the appropriate competence table provided for each certificate issued under Chapters II, III and IV. Reference therefore has to be made to one or more of the tables of the STCW Code. The standards of competence required for traditional and alternative (functional) certificates are thus exactly the same.

Support Level

Navigation

Ratings forming part of a navigational watch (Regulation II/4 and Section A-II/4) on a seagoing ship of 500 gt or more must demonstrate the competence to perform the navigation function at the support level as specified in table A-II/4 and every candidate for certification must provide

evidence of having achieved the required standard of competence in accordance with table A-II/4. Of the Code.

Where there are no tables of competence for the support level in respect of certain functions, it remains the responsibility of the Administration to determine the appropriate training, assessment and certification requirements to be applied to personnel designated to perform those functions at the support level.

Engine

The requirements for engine-room ratings forming part of a watch in a manned engine-room or designated duties in a periodically unmanned engine-room (Regulation III/4 and Section A-III/4) are prescribed in a similar manner as those for deck ratings.

Demonstration of Competence and Assessment of Evidence (Deck and Engine) is to be obtained from a practical test, or approved in-service experience or approved training ship experience.

Ratings assigned special duties on tankers must also be duly certificated (Regulation V/1). Those serving on ro-ro passenger ships must hold documentary evidence that they have completed the necessary sea service and found to be duly qualified (Regulation V/2).

Seafarers engaged in any capacity on any seagoing ship who are to be assigned any safety or pollution prevention duty in the operation of the ship must produce evidence of having achieved or retained the standard of competence specified for basic training within the previous five years. (see Section A-VI/1, paragraph 2).

Seafarers designated to control fire-fighting operations must hold a special certificate, endorsement or documentary evidence of having attended a course in advanced fire-fighting (Regulation VI/3). Candidates for certification or endorsement must provide evidence of having achieved the required standard of competence within the previous five years.

Seafarers designated to provide medical first aid on board a seagoing ship must hold a special certificate, endorsement or documentary evidence of having attended a course in medical first aid as specified in Section A-VI/4, paragraphs 1 to 3.

Radio Personnel (Chapter IV)

Overview

These Amendments have relatively little effect additional to those already mentioned and until the 1 February 1999, radio personnel on ships complying with SOLAS provisions in force immediately prior to 1 February 1992 must comply with the provisions of STCW, 1978 in force prior to 1 December 1992.

The standards of competence for holders of certificates appropriate to GMDSS are given in Section A-IV/2 of the Code.

Special Training Requirements for Personnel on Certain Types of Ships (Chapter V)

Overview

There are no changes in the mandatory minimum requirements for the training and qualifications of masters, officers and ratings on tankers.

Mandatory minimum requirements for the training and qualifications of masters, officers and ratings on ro-ro passenger ships have been introduced.

Emergency, Operational Safety, Medical Care and Survival Functions (Chapter VI)

Overview

Regulation VI/1 specifies that all seafarers must receive familiarisation and basic safety training or instruction in accordance with Section A-VI/1 of the STCW Code which specifies the appropriate the standard of competence.

Regulation VI/3 specifies the mandatory minimum requirements for training in advanced fire-fighting, the standard of competence for which is given in Section A-VI/3 for the STCW Code.

In both cases, those with safety and pollution prevention duties in the operation of the ship must provide evidence that they met the appropriate standard of competence within the previous five years.

Regulation VI/2 specifies the mandatory minimum requirements for the issue of certificates of proficiency in survival craft, rescue boats, and fast rescue boats (which requires attendance at an approved training course).

Regulation VI/4 specifies the mandatory minimum requirements relating to medical first aid and medical care (Section A-VI/4 of the STCW Code) for seafarers designated to take charge of medical care on board ship.

Alternative Certification (Chapter VII)

Overview

Under this system, Parties may elect to issue, or authorise the issue, of certificates (other than those previously mentioned) which permit the holder to serve in alternative positions on board ship. There are no concessions. In particular:

- a) the Party must first inform IMO of the relevant provisions;
- b) the same education, training and competence is required as for Chapters II, III and IV;
- c) equivalent sea-going service is required as per the STCW Code;
- d) a radio certificate is required for navigational watchkeeping;
- e) seafarers must hold a certificate to perform all functions at the operational level or above referred to in either Chapters II or III;
- f) an equivalent level of safety is required and the competence of officers must not be reduced;
- g) alternative certification is not to be used in itself to reduce the size of the crew, de-skill individual crew members or to combine deck and engineering duties during any particular watch.

Watchkeeping (Chapter VIII)

Overview

New provisions have been added relating to hours of rest for watchkeeping personnel (Chapter VIII/1 - Fitness for Duty). Also, under Chapter VIII/2, provisions relating to watchkeeping arrangements and principles to be observed are included covering voyage planning and watchkeeping at sea and in port.

Fitness for Duty

For the purpose of preventing fatigue, owners must establish and enforce rest periods for watchkeeping personnel; and require that watch systems are so arranged that the efficiency of all watchkeeping personnel is not impaired by fatigue and that duties are so organised that the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.

Hours of Rest

All persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch shall be provided a minimum of 10 hours of rest in any 24 -hour period. The hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length. The requirements for rest periods need not be maintained in the case of an emergency or drill or other overriding operational conditions.

Notwithstanding the above provisions, the minimum period of 10 hours may be reduced to not less than six consecutive hours provided that any such reduction shall not extend beyond two days and

not less than 70 hours of rest are provided in each seven day period.

Watch schedules shall be posted where they are easily accessible.

Watchkeeping Arrangements and Principles to be observed

- a) The Officer in charge of a watch must be duly qualified in accordance with STCW 95.
- b) Officers in charge of the navigational watch are responsible for navigating the ship safely during their period 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.
- c) Radio operators are responsible for maintaining a continuous radio watch on appropriate frequencies during their periods of duty.
- d) 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.
- e) 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 organisation of such watch or watches takes full account of the nature, quality, packing and stowage of the hazardous cargo and of any special conditions prevailing on board, afloat or ashore.

Competence and Documentation

Overview

The discerning reader will have noticed the continuous thread of competence and documentation throughout this Bulletin. It is not sufficient to be competent. Competence must be demonstrated through documentation. It makes sense to ensure that all training record books are kept up-to-date and signed by senior officers and that all relevant documents are available in English. The International Shipping Federation (ISF) has produced an On-Board Training Record Book for Deck Cadets to cover the Convention's requirement for structured on-board training. Other record books are being developed and further information on this topic will be provided. -We will have failed if one of our ships is detained and competence has to be demonstrated in front of a port State control officer because an officer cannot produce a certificate or a master has not ensured that watch schedules have been posted in accessible positions.

The competence of all of us is open to examination - flag States, shipowners, masters, officers and other seafarers. STCW 95 is almost upon us and it is incumbent upon all concerned to study the Convention at least as closely as the port State control officers and find out exactly what is expected of us. Let us get it right first time. Vanuatu will continue to provide information on all conventions' requirements but any Owners who are in doubt, are invited to direct their questions to VMS, attention

Captain Arthur C. Bjorkner, BSc, MBA
Executive Vice President
Vanuatu Maritime Services Ltd.
Deputy Commissioner Of Maritime Affairs
Republic Of Vanuatu
39 Broadway, Suite 2020
New York, NY 10006

Concluding Comment

Overview

Thank you for reading this Bulletin. It cannot have been easy reading. Although it is lengthy, it cannot cover all aspects of the 320 pages of the Convention's small print and numerous tables. If the Bulletin provides a useful introduction to STCW 95, it will have fulfilled its purpose.