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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
Subject:	9th session of the IMO Sub-Committee on Human Element, Training and Watchkeeping (6-10 February 2023) - Non-paper from the Commission drafted to facilitate EU co-ordination

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC 16.02.2023

Delegations will find attached a non-paper from the Commission drafted to facilitate co-ordination between the EU Member States and the Commission in respect of the subject mentioned above¹.

¹ It is the intention of the Presidency to ensure the necessary co-ordination of the Member States' positions on the spot on the basis of the discussion of this paper.

**NON-PAPER
ON THE POSITION OF THE UNION FOR THE
9TH SESSION OF THE IMO SUB-COMMITTEE ON THE HUMAN ELEMENT,
TRAINING AND WATCHKEEPING (HTW 9)
(06-10 FEBRUARY 2023)**

The annotated agenda is presented to the Council with the view to establishing the EU positions on agenda items for the 9th session of the IMO Sub-Committee on the Human element, Training and Watchkeeping (HTW 9).

This document lists all received documents on issues of EU relevance².

The comments by the Commission are printed in *italics*. The proposed position of the Union is printed in ***bold italics***.

Should Member States wish to express a position on matters not covered by the Union position, in accordance with the principle of loyal cooperation they shall refrain from any measure that may jeopardise the attainment of the Union's objectives.

² Based on documents received up to 20 January 2023.

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Agenda item 1 – Adoption of the agenda

Docs: HTW 9/1, HTW 9/1/1-2

HTW 9/1 (Secretariat): includes the provisional agenda for HTW 9.

HTW 9/1/1 (Secretariat): provides information on actions the Sub-Committee will be invited to take on the agenda items of its ninth session.

HTW 9/1/2 (Secretariat): informs the Sub-Committee of the proposed selection of working and drafting groups for the session and a provisional timetable, taking into account the substantial documentation submitted under relevant subjects.

In accordance with HTW 9/1/2, the following working groups are envisaged to be established during this session of the Sub-Committee:

- a. Working Group on the Comprehensive Review of the 1995 STCW-F Convention (agenda item 8);*
- b. Working Group on the Comprehensive Review of the 1978 STCW Convention and Code (agenda items 7 and 14); and*
- c. Drafting Group on Model Training Courses (agenda item 3).*

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Agenda item 2 – Decisions of other IMO bodies

Docs: HTW 9/2, HTW 9/2/1-3

HTW 9/2 (Secretariat): contains references to decisions taken by LEG 109, MSC 105, C 127 and III 8, which are of relevance to the Sub-Committee.

HTW 9/2/1 (Secretariat): provides information about the work developed by the FAL Committee on the IMO Compendium on Facilitation and Electronic Business and the development of an IMO code list on crew ranks and ratings.

HTW 9/2/2 (Secretariat): contains a reference to the decision taken by MSC 106, which is of relevance to the Sub-Committee.

HTW 9/2/3 (Ukraine): draws the attention of the Sub-Committee to adverse impacts of the unprovoked and unjustified armed aggression of the Russian Federation against Ukraine lasting from 2014 on the functioning of the system of maritime education and training in Ukraine, and the unauthorized and unlawful issuance of certificates of competency and seafarers' identity documents in certain parts of Ukraine's regions temporarily occupied by the Russian Federation.

The relevant outcome of the other IMO bodies will be discussed in detail under the relevant HTW 9 agenda items. One document which may be dealt with under this agenda item is HTW 9/2/3 in which Ukraine again raises the impact that Russia's invasion in Ukraine is having on its maritime administrations in fulfilling their obligations under IMO Conventions. In this document it highlights in particular the damage suffered by seafarer training institutes in the territory occupied by Russia as well as the problems associated with the issue of certificates of competency and seafarers' identity documents.

Since the invasion, on each occasion when the issue of the invasion of Ukraine and its consequences has been raised, the French Presidency either during its own tenure or acting at IMO for the Czech Presidency has drawn up and circulated a draft statement condemning the invasion. The Swedish Presidency will continue this practice.

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Agenda item 3 – Validated model training courses

Docs: HTW 9/3, HTW 9/3/1-3(+Add.1), HTW 9/3/4, HTW 9/WP.3-5

HTW 9/3 (Secretariat): provides a report on the model courses that have been developed/revised and submitted to HTW 9 for validation, a summary of the arrangements agreed for the validation of model courses by HTW 10 and proposed arrangements for the validation of model courses by HTW 11. In addition, the document provides an overview of the complete set of IMO model courses.

HTW 9/3/1 (Secretariat): provides, for consideration of the Sub-Committee, the report of the Review Group relating to the draft revised model course 1.23 on Proficiency in survival craft and rescue boats other than fast rescue boats, as set out in document HTW 9/3/1/Add.1.

HTW 9/3/1/Add.1 (Secretariat): provides draft revised model course 1.23 on Proficiency in survival craft and rescue boats other than fast rescue boats.

HTW 9/3/2 (Secretariat): provides, for consideration of the Sub-Committee, the report of the Review Group relating to the draft revised model course 1.24 on Proficiency in fast rescue boats, as set out in document HTW 9/3/2/Add.1.

HTW 9/3/2/Add.1 (Secretariat): provides draft revised model course 1.24 on Proficiency in fast rescue boats.

HTW 9/3/3 (Secretariat): provides, for consideration of the Sub-Committee, the report of the Review Group relating to draft revised model course 1.20 on Fire prevention and fire fighting, as set out in document HTW 9/3/3/Add.1.

HTW 9/3/3/Add.1 (Secretariat): provides draft revised model course 1.20 on Fire prevention and fire fighting.

HTW 9/3/4 (IMSO): contains proposals to review/update model training courses for the General and Restricted Operator's Certificate for the Global Maritime Distress and Safety System (GMDSS).

HTW 9/WP.3 (Secretariat): report of the Intersessional Drafting Group 1 on Model Courses.

HTW 9/WP.4 (Secretariat): report of the Intersessional Drafting Group 2 on Model Courses.

HTW 9/WP.5 (Secretariat): report of the Intersessional Drafting Group 3 on Model Courses.

EU relevance

This issue falls under Union competence.

According to paragraph 1 of Chapter 1 of Annex I to Directive (EU) 2022/993 on the minimum level of training of seafarers, the Regulations prescribing the mandatory minimum requirements for certification of seafarers, including requirements for approved education and training referred to in that Annex, are supplemented by the mandatory provisions contained in Part A of the Seafarers' Training, Certification and Watchkeeping (STCW) Code. According to paragraph 6 of Section A-I/2 of the STCW Code, in approving training courses and programmes, Parties should take into account that the relevant IMO Model Courses can assist in the preparation of such courses and programmes and ensure that the detailed learning objectives recommended are suitably covered.

Background

*HTW 6 had agreed the terms of reference for developers and review groups, identified developers and established review groups for seven model courses to be validated at HTW 7 and 8. However, HTW 7 and 8, in view of the limited duration of the meetings held in virtual mode, did not have the time to consider agenda item 3, except for the planning of work for HTW 9. Therefore, HTW 8 had agreed, **DELETED** to establish three drafting groups to meet virtually during 2022 to review the backlog of model courses with a view for validation at HTW 9.*

Consideration at HTW 9

*In accordance with HTW 9/3, the Sub-Committee is expected to consider seven draft model courses with a view to validation at this session. The Sub-Committee is also being requested to endorse the proposed three model courses, related to security officers and piracy, to be revised for validation by HTW 11. This would also entail instructing the drafting group to prepare draft terms of reference, and to agree on the review groups, including the coordinators, to work between sessions by correspondence to review the model courses, as well as authorising the Secretariat to hire developers to revise these model courses. **DELETED***

*In HTW 9/3/4, IMSO is proposing the urgent revision of IMO model courses 1.25 on General Operator's Certificate (GOC) and 1.26 on Restricted Operator's Certificate (ROC) for the GMDSS in order to take into consideration the recent amendments to SOLAS as well as to other developments related to the provision of the GMDSS. **DELETED***

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Agenda item 4 – Role of the human element

Docs: HTW 9/INF.4-5 and HTW 9/INF.7-8

HTW 9/INF.4 (Russian Federation): provides information about the implementation of training programmes for MASS (Maritime Autonomous Surface Ships) personnel in the Russian Federation, reflecting a key role of human element for MASS implementation and operation.

HTW 9/INF.5 (Singapore): provides information on the use of an innovative solution developed to assess the human performance in a navigation simulator. The solution enhances training and assessment of navigators which may have a future potential to reduce time required to achieve the required competency.

HTW 9/INF.7 (Chile): The experience gained by the Maritime Education and Training Center (CIMAR), dependent on the Directorate General of the Maritime Territory and Merchant Marine (DIRECTEMAR), by conducting courses for more than 30 years in the field of Antarctic navigation, at first, and Polar navigation later, places this center in a high position within the international context regarding the concern about training to prevent accidents, safeguarding life and avoiding polar pollution.

HTW 9/INF.8 (Chile): describes experience gained from the use of remote training and the problems found when teaching through e-learning modality. This situation was forced by the COVID-19 pandemic, in order to continue conducting training courses for seafarers, and those related to maritime activity.

EU relevance

The Union has exclusive competence on seafarers training issues.

According to paragraph 1 of Chapter 1 of Annex I to Directive (EU) 2022/993, on the minimum level of training of seafarers, the Regulations prescribing the mandatory minimum requirements for certification of seafarers, including requirements for approved education and training referred to in that Annex, are supplemented by the mandatory provisions contained in Part A of the Seafarers' Training, Certification and Watchkeeping (STCW) Code.

Consideration at HTW 9

Only information documents are submitted under this agenda item. **DELETED**

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Agenda item 5 – Reports on unlawful practices associated with certificates of competency

Docs: HTW 9/INF.2

HTW 9/INF.2 (Secretariat): provides information on reports received by the Secretariat on fraudulent certificates detected.

EU relevance

The issue of fraud associated with certificates of competency falls under Union exclusive competence.

Article 9 of Directive (EU) 2022/993 ("the Directive") deals with the prevention of fraud and other unlawful practices involving certificates and endorsements of competency. In accordance with this Article, Member States are obliged to take and enforce appropriate measures to prevent fraud and other unlawful practices involving certificates and endorsements issued, and shall provide for penalties that are effective, proportionate, and dissuasive. Measures to prevent fraud and penalties or disciplinary measures in cases of fraud are also referred to in Articles 10(2) and 10(3) of the Directive.

In addition, according to Article 20(2) of the Directive, in order for a third country to be recognised at EU level, it should meet not only the requirements of the STCW Convention but should also have adopted and implemented all the necessary measures to prevent fraud involving seafarers' certificates. Annexes V and X of Directive 2009/16/EC on port State control (PSC) also refer to cases of fraudulent certificates as a reason for detailed inspections and the detention of ships.

Consideration at HTW 9

In HTW 9/INF.2, the Secretariat provides a summary of almost 150 reports on fraudulent certificates that it received during 2021 and 2022, as well as the action taken.

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Agenda item 6 – Implementation of the STCW Convention

Docs: HTW 9/6, HTW 9/6/1-3

HTW 9/6 (United States): contains the report of the Correspondence Group on the Implementation of the STCW Convention. The Group finalized the draft streamlined guidance on the preparation, reporting and consideration of information related to the independent evaluations and steps taken to implement mandatory amendments required by regulations I/7 and I/8 of the STCW Convention; draft procedures regarding the consideration of information communicated in accordance with article IV and regulation I/7 of the STCW Convention and section A-I/7, paragraphs 2 and 3, of the Code; and developed recommendations and proposed procedures, including criteria, for the development of a dynamic list of Parties giving full and complete effect to the relevant provisions of the STCW Convention and Code, and the associated MSC.1/Circ.

HTW 9/6/1 (Secretariat): provides general comments on the draft provisions proposed in document HTW 9/6 concerning the STCW requirements on the communication of information, as well as specific comments on the feasibility of their future implementation from the Secretariat's perspective, taking into account its role in the process.

HTW 9/6/2 (Islamic Republic of Iran): provides comments on document HTW 9/6, with a view to addressing inconsistencies identified in paragraph 6 of the draft streamlined guidance and paragraph 11 of the revised procedures set out in annexes 1 and 2 to the mentioned document.

HTW 9/6/3 (Islamic Republic of Iran): provides comments on document HTW 9/6/1 with a view to clarifying some issues raised therein and to facilitating discussions when deciding on how to proceed with the output.

EU relevance

This issue falls under Union exclusive competence.

Directive (EU) 2022/993 incorporates the STCW Convention into Union law. Article 11(2) of Directive (EU) 2022/993 requires Member States to ensure that independent evaluations 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 by qualified persons who are not themselves involved in the activities concerned in order to verify that

(a) all internal management control and monitoring measures and follow-up actions comply with planned arrangements and documental procedures and are effective in ensuring that the defined objectives are achieved;

(b) the results of each independent evaluation are documented and brought to the attention of those responsible for the area evaluated;

(c) timely action is taken to correct deficiencies; and

(d) all applicable provisions of the STCW Convention and Code, including amendments are covered by the quality standards system.

Member States may also include within this system the other applicable provisions of this Directive.

In addition, Article 11(3) of Directive (EU) 2022/993 requires the report relating to each evaluation carried out pursuant to paragraph 2 to be communicated by the Member State concerned to the Commission, in accordance with the format specified in Section A-I/7 of the STCW Code, within six months of the date of the evaluation.

Finally, as part of the assessment of third countries recognised or to be recognised at EU level, the European Commission verifies whether these third countries submitted the independent evaluation as required by paragraph 2 of Regulation I/8 of the STCW Convention.

Background

*At HTW 6, the Secretariat (HTW 6/12) informed the Sub-Committee that MSC never implemented STCW regulation I/7.3.2. This regulation requires MSC to “review the list of Parties which communicated information that demonstrated that they give full and complete effect to the relevant provisions of the Convention, to retain in this list only the Parties so concerned (i.e. Parties listed in MSC.1/Circ.1163/Rev.11). The Secretariat therefore proposed that MSC agree to implement regulation I/7.3.2. **DELETED***

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After a very long discussion, HTW 6 agreed that MSC 101 should be requested to include the output on "Implementation of the STCW Convention" in the provisional agenda for HTW 7 so that the Sub-Committee could consider in detail the issues related to the implementation of regulation I/7 of the STCW Convention. MSC 101 concurred with this request.

After considering this issue, HTW 7 endorsed the list of gaps and areas for further consideration regarding the communication of information system; developed an action plan for enhancing the communication of information system under the provisions of the STCW Convention and Code; and established a Correspondence Group on the Implementation of the STCW Convention, to further consider this issue. Subsequently, HTW 8:

a. identified three issues that should be considered during the next comprehensive review of the STCW Convention, i.e. timing for taking corrective measures as part of the submission of the independent evaluation report; modernization of methods to handle information; and reporting to MSC by the Secretary-General;

b. re-established the Correspondence Group on the Implementation of the STCW Convention to work intersessionally, under the coordination of the United States, to continue developing the draft streamlined guidance with a view to finalization at HTW 9, to prepare draft procedures regarding the consideration of information communicated in accordance with article IV and regulation I/7 of the STCW Convention and section A-I/7, and paragraphs 2 and 3 of the Code; and to prepare recommendations and proposed procedures, including criteria, for the development of a dynamic list of Parties giving full and complete effect to the relevant provisions of the STCW Convention and Code;

c. agreed that the issue of additional resources for the Secretariat to cope with the growing work on the human element and the increased workload emanating from the future implementation of the draft streamlined guidance and the draft procedures should be considered holistically at a later stage.

Consideration at HTW 9

*The report of the correspondence group is contained in document HTW 9/6 (United States). The correspondence group succeeded in completing its work and is requesting the Sub-Committee to endorse the outcome. However, three documents (HTW 9/6/1 (Secretariat) and HTW 9/6/2-3 (Islamic Republic of Iran) commenting on this report highlight numerous issues which should be taken into consideration. **DELETED***

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Agenda item 7 – Comprehensive review of the 1978 STCW Convention and Code

Docs: HTW 9/7, HTW 9/7/1-14, HTW 9/INF.6

HTW 9/7 (ICS): outlines a proposal for aims and principles of the comprehensive review and revision of the STCW Convention and Code. It also provides some issues to be considered when developing a road map.

HTW 9/7/1 (United States): provides a proposal for the mandatory training provisions in the STCW Convention and Code to address the prevention, awareness, bystander intervention, reporting and response to bullying and harassment including sexual assault and sexual harassment.

HTW 9/7/2 (Georgia and Iceland): contains a proposal to amend the criteria for demonstrating the competence required for those attending Basic Safety Training provided for in item .6 in column 3 of table A-VI/1-2 to enter and pass through, with lifeline but without breathing apparatus, a compartment into which high-expansion foam has been injected, and to amend the criteria for demonstrating the competence required for those attending Proficiency in survival craft and rescue boats other than fast rescue boats, provided for in item .1 of competence 3, in column 3 of table A-VI/2-1 to be able to "row and steer a boat and steer by compass".

HTW 9/7/3 (United States): proposes principles and parameters for conducting the comprehensive review of the STCW Convention and Code to focus the direction of the review, and the identification of issues to be included in the review.

HTW 9/7/4 (Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Philippines, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, Ukraine, European Commission and IAMU): outlines aims and principles of the comprehensive review and revision of the STCW Convention and Code. Furthermore, it provides a preliminary assessment of the scope of the work to be conducted, identifies some specific areas to be reviewed, and raises considerations to be taken into account in the preparation and approval of a road map.

HTW 9/7/5 (Republic of Korea): raises the necessity of introducing seafarers' human rights training including bullying, sexual assault and harassment prevention to the STCW Convention and the direction of development of training content relating thereto.

HTW 9/7/6 (ICS): details some non-exhaustive and indicative high-level areas identified for comprehensive review of the STCW Convention and Code. These areas might serve to assist the Sub-Committee with determining how to define the scope of work, a methodology and roadmap.

HTW 9/7/7 (India): proposes principles for conducting the comprehensive review of the STCW Convention and Code, and identification of issues to be included in the review.

HTW 9/7/8 (Bahamas, Brazil, Dominica, Kenya, Saudi Arabia, South Africa, Türkiye, Viet Nam, Abuja MoU, OCIMF, IFSMA, InterManager, IMHA and WISTA International): proposes STCW training provisions addressing bullying and harassment in the maritime sector, including sexual assault and sexual harassment as a matter of priority, and contains an outcome of a review of STCW table A-VI/1-4, based on an initial review of related IMO Model Course 1.21 on Personal Safety and Social Responsibilities performed by the COPE^o Working Group on Psychological Safety, Bullying and Sexual Assault and Harassment in the Maritime Sector.

HTW 9/7/9 (China): provides a road map for the comprehensive review of the 1978 STCW Convention and Code.

HTW 9/7/10 (China): puts forward suggestions regarding the principles and specific areas of the comprehensive review of the 1978 STCW Convention and Code.

HTW 9/7/11 (IMSO): contains proposals to amend section A-IV/2 and section B-IV/2 of the STCW Code.

HTW 9/7/12 (ITF): provides comments on documents HTW 9/7, HTW 9/7/1 and HTW 9/7/3, which propose aims and principles for the comprehensive review and revision of the 1978 STCW Convention and Code.

HTW 9/7/13 (Japan): provides comments on documents HTW 9/7 and HTW 9/7/3 with regard to the initial action to be taken at the Sub-Committee on the comprehensive review of the STCW Convention and Code.

HTW 9/7/14 (ICS and ITF): comments on document HTW 9/7 and the review of the STCW Convention and Code. It draws attention to the ongoing work of the Maritime Just Transition Task Force, including a new report commissioned from the classification society DNV, providing insights into seafarer training and skills needed to support shipping's decarbonization. The research provides an overview of the challenges that training seafarers for the transition will entail. This document also draws attention to an action plan on "Mapping a Maritime Just Transition for Seafarers", developed by the Task Force and informed by the DNV report findings.

HTW 9/INF.6 (Republic of Korea): provides information on the necessity of the rationalization and convergence of the existing and new competencies towards developing relevant provisions relating to the operational personnel of Maritime Autonomous Surface Ships (MASS).

EU relevance

The issue of the review of the 1978 STCW Convention and Code falls under Union exclusive competence.

Directive (EU) 2022/993 incorporates the STCW Convention into Union law. Training and certification requirements of seafarers are regulated in EU law in Directive (EU) 2022/993. Article 3 of the Directive obliges Member States to take the necessary measures to ensure that seafarers serving on ships receive a training that, as a minimum, covers the requirements of the STCW Convention, as laid down in Annex I to the Directive, including, where appropriate, the applicable provisions of the STCW Code (Article 1(21) of the Directive).

Background

MSC 105, after considering document MSC 104/15/5 (Australia et al.), which was drafted by the EU and supported by other countries, agreed to establish a new output on the "Comprehensive review of the 1978 STCW Convention and Code", including it in the biennial agenda of the HTW Sub-Committee for 2022-2023 and the provisional agenda for HTW 9, with a target completion year of 2026. MSC 105 instructed the Sub-Committee to start with a preliminary assessment of the scope of the work to be conducted, identifying specific areas to be reviewed, and to prepare a road map for approval by the Committee before initiating the development of draft amendments.

As part of this new output, MSC 105 also instructed the HTW Sub-Committee to develop and finalize, as a matter of priority, STCW training provisions addressing bullying and harassment in the maritime sector, including sexual assault and sexual harassment.

Consideration at HTW 9

Out of the 10 documents submitted under this agenda item 9 documents, including one from the Union as well as other cosponsors (HTW 9/7/4) provide input to how the comprehensive review of the STCW Convention and Code should be conducted. A further 3 documents propose amendments related to other issues, and which could also be considered when identifying the areas to be reviewed. The remaining 3 documents relate to training provisions to address bullying and harassment including sexual assault and sexual harassment.

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Agenda item 8 – Comprehensive review of the 1995 STCW-F Convention

Docs: HTW 9/8, HTW 9/8/1-4

HTW 9/8 (Japan): provides the report of the Correspondence Group on the Comprehensive Review of the 1995 STCW-F Convention.

HTW 9/8/1 (Islamic Republic of Iran): proposes amendments to the draft revised STCW-F Convention and the draft STCW-F Code set out in annexes 1 and 2 to document HTW 8/WP.6, with a view to providing editorial improvements and addressing inconsistencies identified therein in order to facilitate discussions and finalization of the mentioned drafts.

HTW 9/8/2 (Iceland, Netherlands, Spain, FAO, ILO and ITF): provides a proposal to replace the term "fishing vessel personnel" with "fisher" in the STCW-F Convention and Code in order to align with the ILO Work in Fishing Convention, 2007 (No.188) and to improve readability of the STCW-F Convention text.

HTW 9/8/3 (Russian Federation): seeks to initiate discussion on amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) on mandatory minimum requirements for refrigerator engineers of fishing vessels.

HTW 9/8/4 (Russian Federation): seeks to initiate discussion on amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) on mandatory minimum requirements for engineer officers on fishing vessels powered by main propulsion machinery of less than 750 kW propulsion power.

EU relevance

The Commission emphasises that Chapter I, Regulation 7 of the Annex to the STCW-F Convention falls within the exclusive competence of the Union insofar as its provisions affect the rules of the Union law on the recognition of professional qualifications held by certain categories of fishing vessel personnel contained in the Treaty and secondary Union law, in particular Directive 2005/36/EC on the recognition of professional qualifications. In view of this EU competence, the Council adopted Council Decision (EU) 2015/799 of 18 May 2015 authorising Member States to become party, in the interest of the European Union, to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel.

Background

DELETED HTW 5 and HTW 6 made progress in developing a draft revised annex to the STCW-F Convention and a draft text of a new STCW-F Code. In view of the remaining work and the importance of the subject HTW 6 agreed to a work plan for the completion of the comprehensive review.

HTW 7 recognised that after 4 years dealing with this issue it was high time to finalise this output. Therefore, the Chair only allowed a limited discussion on each of the 8 submissions under this agenda item so that they could be considered in detail by a working group. **DELETED** Therefore, after considering the submitted documents, the Sub-Committee agreed, in principle, on a number of draft STCW-F regulations as well as the work plan which foresaw the finalization of the revised Convention and new Code at HTW 8. Finally, HTW 7 re-established the Correspondence Group under the coordination of Japan to finalise the draft revised STCW-F Convention and Code as well as the draft resolution addressing training on response to piracy and armed robbery.

However, despite the good intentions at HTW 7, and the plea of the Secretary General and the Chair, HTW 8 did not succeed in finalising the amendments to the STCW-F. One of the comments made was that by FR, **DELETED** who pointed out that while it agreed to refer HTW 8/8/1 (NL and FAO) to the working group, it preferred that Fish Aggregating Devices (FADs) would not be included within the definition of fishing gear but classed separately. The Chair agreed that this proposal should be discussed in the working group. This proposal was widely supporting within the working group. The main open issue was the text for section B-II/6 with regard to the consequential modifications emanating from the GMDSS modernization. Therefore, the Chair invited interested Member States and international organizations to submit documents on section B-II/6 to HTW 9. FR requested that the Sub-Committee should not be limited to the GMDSS issue but should be open to other remaining issues mentioned in the working group. The Chair while agreeing not to limit the submissions, cautioned against raising too many issues since this topic was supposed to be finalised at HTW 8.

The Sub-Committee also endorsed the work plan for the completion of the comprehensive review of the 1995 STCW-F Convention, which foresees the finalisation of this review at HTW 9 (February 2023) with a view to approval at MSC 107 (Spring 2023) and adoption at MSC 108 (Spring 2024) or through a Diplomatic Conference. In this regard, the Sub-Committee approved the re-establishment of a correspondence group to work intersessionally, to continue the work on the draft STCW-F Convention and Code, as well as to prepare draft guidelines on the medical examination of fishing vessel personnel, taking into account the Guidelines on the medical examination of seafarers (STCW.7/Circ.19/Rev.1).

Consideration at HTW 9

The report of the Correspondence Group is set out in HTW 9/8 (Japan). Although considerable progress has been made on the draft revised STCW-F Convention and Code, a number of issues are still pending and need to be resolved. In view of the length of time that the revision of the STCW-F Convention and Code have been ongoing, it is high time that this work is completed for the benefit of those employed in the fishing industry. **DELETED**

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Agenda item 9 – Development of measures to ensure quality of onboard training as part of the mandatory seagoing service required by the STCW Convention

Docs: HTW 9/9, HTW 9/9/1-2

HTW 9/9 (Russian Federation as coordinator of the Correspondence Group): provides the report of the Correspondence Group on Maritime Training concerning measures on the assurance of quality of onboard training (OBT) and facilitation of mandatory seagoing service provisions required by the STCW Convention.

HTW 9/9/1 (Islamic Republic of Iran): contains proposed amendments to section B-III/1 of the STCW Code in order to provide guidance regarding the onboard training towards enhancing quality of onboard training and addressing the inconsistency between section A-III/1, paragraph 2.1 and section B-III/1.

HTW 9/9/2 (Islamic Republic of Iran): contains proposed amendments to section B-III/6 of the STCW Code in order to provide guidance regarding the onboard training towards enhancing quality of onboard training and consistency with sections B-II/1 and B-V/1 of the STCW Code.

EU relevance

This issue falls under Union exclusive competence.

Directive (EU) 2022/993, as amended, on the minimum level of training of seafarers, regulates the onboard training that candidates have to receive as part of the mandatory minimum requirements for the training and qualifications of different categories of seafarers.

Background

MSC 101 agreed to the proposal in document MSC 101/21/1 (Philippines and IAMU) to establish a new output on developing measures to assist Administrations to ensure the quality of onboard training of prospective officers prior to issuing them with their first certificates. In this regard the co-sponsors proposed two possible approaches: a) develop amendments or unified interpretations to the STCW Conventions; and b) include onboard training in the Safety Management System as per the ISM Code. **DELETED**

HTW 7 did not have the time to consider the documents submitted under this agenda item and therefore their consideration was postponed to HTW 8. Neither did HTW 8 have the time to consider this issue in detail. It only decided that the best way forward would be to develop a non-mandatory instrument. Therefore, to continue the work, the Sub-Committee agreed to establish a correspondence group, under the coordination of Russia, to prepare a work plan to develop measures regarding the assurance of quality of onboard training required by the STCW Convention, as well as to consider the proposals for the development of non-mandatory provisions relating to the quality of onboard training, as set out in documents HTW 7/10/1 and HTW 7/10/2.

Consideration at HTW 9

In view of the military operations by Russia against Ukraine, many countries, including EU Member States objected to participate in the Correspondence Group established at HTW 8 under the coordination of Russia. This issue was also raised at MSC 105, but the Committee decided not to replace the coordinator. This notwithstanding the number of countries contributing to the correspondence group was rather limited. In addition, the report demonstrates that the group failed to reach the objectives established and no consensus was formed. So irrespective of the fact that Russia was the coordinator, the work has to re-start again.

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Agenda item 10 – Development of measures to facilitate mandatory seagoing service required under the STCW Convention

Docs: HTW 9/10

HTW 9/10 (India): provides information, discussion and suggestions for the development of measures to facilitate mandatory seagoing service required under the STCW Convention.

EU relevance

This issue falls under Union exclusive competence.

Directive (EU) 2022/993 on the minimum level of training of seafarers, provides that Member States shall ensure that certificates of competency and certificates of proficiency are issued only to candidates who have completed the relevant seagoing service and any related compulsory training prescribed in the Regulations listed in Annex I of this Directive.

Background

*MSC 100 considered document MSC 100/10/4 by Mexico proposing possible solutions to facilitate access to seagoing service taking into account the requirement for mandatory seagoing service for candidates for certification under the 1978 STCW Convention. The delegations were somewhat divided on this issue. Finally, the Chair concluded that to move forward, further details on the proposed measures were required and it would be best for interested parties to submit a request for a new output. He also reminded the plenary that when the Manila amendments were being drafted, the conference adopted Resolution 13 (Accommodation of trainees) urging shipping companies to allow for training of seafarers on board their ships to afford them the opportunity to achieve their full mandatory seagoing service period. **DELETED***

*Mexico, following up from MSC 100, submitted MSC 101/21/18 proposing a new output: "Measures for complying with mandatory seagoing service required under the STCW Convention". This time MSC 101 agreed with the justification provided for this new output and agreed to put this item on the Agenda of HTW 7. **DELETED***

HTW 7 postponed the consideration of the submissions under this agenda item to HTW 8. Also in this regard the Sub-Committee agreed not to develop mandatory provisions and instructed the Correspondence Group on Maritime Training, established under the previous agenda item, to consider the document by the Republic of Korea (HTW 7/11) proposing the collation of information on the practices carried out by Parties to implement the seagoing service requirements, as well as the identification of problems and alternative ways for undergoing seagoing service, and the document by Mexico (HTW 7/11/1) regarding the use of simulators and virtual reality.

Consideration at HTW 9

DELETED

Agenda item 14 – Any other business

Docs: HTW 9/INF.3, HTW 9/WP.6

HTW 9/INF.3 (Secretariat): provides information on the reports on dispensations granted from 2021 to 2022 submitted by STCW Parties in accordance with article VIII of the 1978 STCW Convention.

HTW 9/WP.6 (Secretariat): draft guidelines on the use of electronic certificates of seafarers.

a. Electronic certificates of seafarers

EU relevance

This issue falls under Union exclusive competence.

Directive (EU) 2022/993 on the minimum level of training of seafarers includes provisions related to digital certificates:

- *Article 4 paragraph 11 states that “Subject to Article 20(7), any certificate required by this Directive shall be kept available in its original form on board the ship on which the holder is serving, in a hard copy or in a digital format, the authenticity and validity of which may be verified under the procedure laid down in paragraph 13, point (b), of this Article.”*
- *Article 4 paragraph 14 provides that “When relevant amendments to the STCW Convention and Part A of the STCW Code related to digital certificates for seafarers come into force, the Commission is empowered to adopt delegated acts in accordance with Article 30 to amend this Directive by aligning all the relevant provisions thereof with those amendments to the STCW Convention and Part A of the STCW Code in order to digitalise the seafarers' certificates and endorsements.”*
- *Article 6 (Mutual recognition of seafarers' certificates issued by Member States) provides that “Every Member State shall accept certificates of proficiency and documentary evidence issued by another Member State, or under its authority, in hard copy or in digital format, for the purpose of allowing seafarers to serve on ships flying its flag.”*

Background

*MSC 100 had approved the establishment of a new output to address the use of electronic certificates pursuant to the STCW Convention and Code. **DELETED** The HTW Sub-Committee in response to this output developed draft guidelines on the use of electronic certificates of seafarers, which were finalised at HTW 8 and referred to MSC 106 for approval. However, MSC 106 failed to approve them and referred the draft guidelines, together with document MSC 106/10/2 and the comments made at that session, to HTW 9 for further consideration and advice to MSC 107.*

*In MSC 106/10/2, the Cook Islands et al. proposed additional amendments to the draft amendments agreed at HTW 8, particularly in respect to the responsibility and role of Administrations within the Verification section. **DELETED***

DELETED

Consideration at HTW 9

DELETED

b. Carriage for use of HFO as fuel by ships in Arctic waters

EU relevance

The integrated EU Arctic policy priority area concerning climate change and safeguarding of the Arctic environment³ has a bearing on this item. The Commission recalls that in its conclusions of 20 June 2016, the Council recognised the need for urgent global action to reduce and prevent the significant risks posed by climate change and environmental impacts in the Arctic region caused notably by global activities. In addition, Article 3(1) of Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements specifies the extensive scope of maritime areas covered in relation to discharges of polluting substances from ships.

Finally, Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive), provides relevant provisions that should be taken into account. They call on Member States to ensure that good environmental status (GES) is achieved and maintained in the EU marine waters; inputs of synthetic substances such as oil and acute events, such as pollution accidents, are explicitly mentioned among the anthropogenic pressures affecting the marine environment that need to be taken into account by Member States when they establish and implement their strategies for reaching GES. It should be noted that oil spills are a primary criterion under Commission Decision (EU) 2017/848 of 17 May 2017 laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment.

In light of recent developments under the European Green Deal, the 2030 Climate Ambition, the Sustainable and Smart Mobility strategy, and plans to adopt the Zero Pollution Action Plan and to revise the 2016 Arctic Strategy as well as the Fourth IMO GHG Study, the Commission considers that there is renewed momentum to move towards balanced and constructive plans to reduce the environmental impacts on the Arctic.

³ Joint Communication to the European Parliament and the Council on an integrated European Union Policy for the Arctic, JOIN(2016)21.

Background

MEPC 76 adopted amendments to MARPOL Annex I concerning the prohibition on the use and carriage for use as fuel of heavy fuel oil by ships in Arctic waters. **DELETED**

In support of this new requirement, PPR 6 established a Correspondence Group, under the coordination of Russia, to develop draft guidelines on mitigation measures to reduce risks of use and carriage for use of heavy fuel oil (HFO) as fuel by ships in Arctic waters. These guidelines were finalised at PPR 8 and invited this Sub-Committee to review section 7 (Familiarization, training and drills) of the draft guidelines with a view to advising PPR 9. In considering the relevant sections of the draft guidelines, the Sub-Committee noted the view expressed that these section(s) contained duplicative provisions both in the context of the Polar Code and the STCW Code and could even go beyond the scope of the latter. Subsequently, the Sub-Committee agreed to postpone consideration of the matter to HTW 9, and invited interested Member States and international organizations to submit relevant documents to that session.

DELETED

Consideration at HTW 9

No documents were submitted to this session on this issue. **DELETED**
