

These notifications summarise key regulatory matters, to inform IMCA members of regulatory changes which are considered to be of interest. The information below has been provided in good faith and should be reviewed individually by recipients, who will determine its relevance to their own operations. Members are advised to read the source documents and to seek detailed advice from stakeholders such as the Flag Administration(s) and classification societies.

A number of other organisations issue regulatory notifications or similar documents which may be of interest to IMCA members. Links to online resources such as these are provided at www.imca-int.com/links. The IMCA policy and regulatory affairs team can also be contacted for further advice at info@imca-int.com.

IMO Guidance relating to Seafarers who hold certificates and documents that do not comply with the 2010 Amendments to the STCW Convention and Code from 1 January to 1 July 2017

On 5 December 2016 the International Maritime Organization (IMO) issued MSC Circular MSC.1/Circ.1560 to recommend that port state control (PSC) authorities take a practical approach when inspecting ships that have seafarers carrying certificates not in accordance with the STCW 2010 amendments.

The Circular does not delay implementation of the 2010 Manila amendments *per se*, but rather calls on Administrations, their Recognised Organisations (ROs), and PSC to adopt a pragmatic approach in allowing a six-month period of transition – from 1 January 2017 to 1 July 2017 – during which time they will not take enforcement action against seafarers without the required certification. The rationale behind the Circular is the recognition of the fact that some Administrations will not be able to issue amended certificates in time for the deadline of 1 January 2017.

Please note that the Circular is a non-mandatory recommendation, therefore Administrations and PSC are not obligated to accept it. IMCA members are advised to treat the six-month grace period as an exceptional escape clause, only if needed. Members are encouraged to urge their seafarers to obtain the required STCW certificates and endorsements in accordance with the STCW 2010 amendments at the earliest opportunity. IMCA invites members to maintain a copy of the IMO Circular (attached to the present Regulatory Notification) on board any ship with affected seafarers and to notify their flag Administration if during a port state inspection, any assistance is required to avoid any delays to the ship. Certain flag Administrations (e.g. the Bahamas Maritime Authority) have already issued Technical Alerts to provide further information on the implementation of the IMO MSC Circular.

The guidance in the Circular is only applicable until 1 July 2017 and all parties should note that IMO will be discussing matters relating to the STCW 2010 amendments at its Subcommittee meeting on Human Element, Training & Watchkeeping (HTW) from 29 January 2017 to 3 February 2017.

**ADVICE FOR PARTIES, ADMINISTRATIONS, PORT STATE CONTROL AUTHORITIES
AND RECOGNIZED ORGANIZATIONS ON ACTION TO BE TAKEN IN CASES WHERE
NOT ALL SEAFARERS CARRY CERTIFICATES AND ENDORSEMENTS MEETING
THE 2010 MANILA AMENDMENTS TO THE STCW CONVENTION AND CODE FROM
1 JANUARY 2017**

1 The Maritime Safety Committee, at its ninety-seventh session (21 to 25 November 2016), expressed concern about the implementation of the 2010 Manila Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, in light of the imminent end, on 1 January 2017, of the transitional provisions laid down in the STCW Convention, regulation I/15.

2 The Committee noted that a large number of certificates needed to be issued by certificate-issuing Parties confirming that their seafarers complied with the provisions of the 2010 Manila Amendments to the STCW Convention, and further noted that the provisions of regulation I/10 required Administrations to issue endorsements to masters, officers and radio personnel for service on their ships.

3 The Committee was particularly concerned about and regretted the fact that, so close to the end of the transitional period, seafarers in some States were reportedly unable to obtain certificates and/or the necessary endorsements required by regulation I/10 meeting the requirements of the 2010 Manila Amendments to the STCW Convention.

4 The Committee, therefore, urged all concerned, including certificate-issuing Parties and Administrations, to do their utmost to ensure that seafarers were issued with the appropriate certificates and necessary endorsements.

5 The Committee recognized that some seafarers on board ships may not yet hold their certificates or flag State endorsements meeting the 2010 Manila Amendments to the Convention and urged port State control authorities to take the above factors into consideration when taking action under the control procedures in article X and regulation I/4 of the STCW Convention. The Committee agreed that, in cases where a seafarer's documentation complied with the requirements in force immediately before 1 January 2017, but was not in accordance with the requirements of the 2010 Manila Amendments to the STCW Convention, port State control authorities, until 1 July 2017, were recommended to take a pragmatic and practical approach during inspections and to notify the ships, seafarers and Administrations concerned accordingly.

6 The Committee also recommended that Administrations should inform recognized organizations issuing ISM Code certification under SOLAS 74 that, until 1 July 2017, if a seafarer's documentation was not in accordance with the 2010 Manila Amendments to the STCW Convention, it would be sufficient to inform the Administration when assessing compliance with the provisions of the ISM Code.

7 Member States are invited to be guided accordingly and to bring the contents of this circular to the attention of all concerned, especially port State control authorities and recognized organizations.
