



TECHNICAL ALERT No. 16-63

Bahamas approach to the 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 01 January – 01 July 2017

1. Introduction

- 1.1. This Technical Alert draws all parties' attention to IMO MSC Circular relating to the 2010 amendments to The International Convention on Standards of Training, Certification and Watch-keeping for Seafarers, 1978, as amended (STCW) in light of the end of the transitional period for implementation of the requirements. The finalised Circular is due to be published by IMO and the draft text is contained in the Annex of this Technical Alert.
- 1.2. All parties should note that the IMO MSC Circular has been developed to address concerns raised relating to seafarers who have been trained, or are deemed to be compliant, in accordance with the STCW 2010 amendments but are experiencing delays in obtaining the appropriate certificates from the STCW issuing Administration.
- 1.3. The guidance in the IMO MSC Circular is only applicable until 01 July 2017 and all parties should note that the IMO will be discussing matters relating to the STWC 2010 amendments at its Subcommittee meeting on Human Element, Training & Watchkeeping (HTW) from 29 January 2017 – 03 February 2017.

2. General

- 2.1. The Bahamas Maritime Authority (BMA) has received a number of queries in relation to the implementation of the guidance in the IMO MSC Circular and the validity of Minimum Safe Manning Documents (MSMD).

- 2.2. The BMA is aware that there may be some seafarers either on board or scheduled to be placed on board a Bahamian ship who may be experiencing problems as noted in the IMO MSC Circular. These seafarers are encouraged to continue their efforts to obtain the required STCW certificates and endorsements in accordance with the STCW 2010 amendments at the earliest opportunity
- 2.3. The IMO MSC Circular recommends that port state control (PSC) authorities *take a pragmatic and practical approach* when inspecting ships that have seafarers with documentation that complies with the STCW requirements in force immediately before 01 January 2017 but the documentation is not in accordance with the STCW 2010 amendments.
- 2.4. The BMA advises Companies¹ operating Bahamian ships to maintain a copy of the IMO Circular and this Technical Alert on board any ship with affected seafarers and to notify the BMA if during a port state inspection, any assistance is required to avoid any delays to the ship.
- 2.5. Bahamas Recognised Organisations (ROs) should note the guidance in this Technical Alert and contact the BMA if any additional guidance is required in relation to ISM Code audits and MLC 2006 inspections.

3. BMA approach for affected seafarers on board Bahamian ships

3.1. Officers with an STCW Certificate of Competency (CoC) that expires on or after 01 January 2017

- 3.1.1. Officers will be required to have documentary evidence, from the STCW party that issued the CoC, extending the validity of the CoC.
- 3.1.2. The BMA will accept such documentary evidence and issue a receipt of application (CRA) in accordance with the provisions of STCW I/10.

3.2. Officers with an STCW CoC that refers to the 1995 STCW amendments with an expiry date exceeding 31 December 2016

- 3.2.1. The BMA will accept such CoCs until the expiry date of the CoC or 01 July 2017, whichever date is earlier.

3.3. Officers with an STCW CoC that refers to "STCW 1978, as amended"

- 3.3.1. The BMA accepts that such CoCs are compliant with the 2010 STCW amendments.

¹ The "Company" means the owner or any other organisation or person, such as the manager, or the bareboat charterer, who has assumed responsibility for the operation of the ship.

4. BMA approach for seafarers who require STCW Chapter V or VI Certificate of Proficiency (CoP) or documentary evidence and who are not Officers

4.1. Seafarers with CoP or documentary evidence with no expiry date

4.1.1. The BMA will accept such CoPs or documentary evidence. The BMA will accept such CoPs until 01 July 2017, or any other date as determined by the IMO.

4.2. Seafarers with CoP or documentary evidence that expires on or after 01 January 2017 and before 01 July 2017

4.2.1. The seafarer should have documentary evidence that the revalidation criteria for the affected competence has been achieved and that an application has been submitted for the required certificate or documentary evidence.

4.2.2. The BMA will accept such CoPs for service on board Bahamian ships until 01 July 2017, or any other date as determined by the IMO. The Company may apply for a Bahamas CoP as noted in Section 5 below, or any other date as determined by the IMO.

5. Issuance of a Bahamas STCW CoP

5.1 Companies employing seafarers who are serving or intending to serve on board Bahamian ships can apply for a Bahamas CoP for the following STCW capacities:

- (i) Able Seafarer Deck (II/5) and Engine-room (III/5): See *BMA Information Bulletin No. 153* and *Technical Alert 16-61*;
- (ii) Rating Navigation(II/4) and Engine-room (III/4): See *BMA Information Bulletin No. 104*;
- (iii) Ship Security Officer (VI/6): See *BMA Information Bulletin No. 153*;
- (iv) Oil and Chemical Tanker training (V/1-1) and Liquefied Gas Tanker training (V/1-2): See *BMA Information Bulletin no. 106*.

5.2 The BMA may consider applications for a Bahamas CoP for other training that complies with STCW Chapter V and VI for seafarers who are serving or intending to serve on board Bahamian ships.

- 5.3 Any application for a Bahamas CoP should be submitted by the Company using Bahamas Online Registration Information System - BORIS (See *BMA Information Bulletin no. 137*).and Companies shall ensure that all the required information and relevant supporting documentation (as noted in the Annex) are included in order to avoid delays.
- 5.4 The fee for a CoP is as outlined in *BMA Information Bulletin No. 81*.

6. Impact of the IMO MSC Circular on MSMD

- 6.1 The validity of a MSMD is determined by the expiry date on the MSMD and, accordingly, the MSMD remains valid to that date.
- 6.2 The MSMD has two conditions, outlined on the reverse of the document, that are affected by the STCW 2010 amendments as follows:
- (i) Condition 12 - Able Seafarer certification: Companies and seafarers should be guided by 4.1 and 4.2 of this Technical Alert;
 - (ii) Condition 13 - ETO/ETR: Companies should note that affected seafarers should have documentary evidence, issued by a STCW party (for an ETO, a STCW party with whom the BMA has a Recognised Agreement (See *BMA Information Bulletin No. 121*), of achieving the competence as required by STCW III/6 and III/7. The BMA will accept the letter or statement from the STCW party until 01 July 2017.
- 6.3 Companies should note that the requirement to have an AB, ETO and ETR on board is applicable if one or more of these seafarers are specifically referenced on the MSMD.
- 6.4 Company are requested to review their MSMD of their ships and the certification of the applicable seafarer and take the appropriate action as outlined in this Technical Alert.

7. Validity

- 7.1 This alert is valid until 01 July 2017.

8. Revision History

- 8.1 Rev.0 (08 December 2016) – First issue

ANNEX I

IMPLEMENTATION OF THE STCW CONVENTION

Draft MSC Circular

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 with 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 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 require 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, some seafarers 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 are issued with the appropriate certificates and necessary endorsements.*

5 *The Committee recognized that all 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 complies with the requirements in force immediately before 1 January 2017, but is not in accordance with the requirements of the 2010 Manila Amendments to the STCW Convention, port State control authorities, until 1 July 2017, are 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 is 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.*