

## Explanatory Statement 6 of 2024

### AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978

#### MSC.540(107)

#### Practical and legal effect

The purpose of the proposed treaty action is to amend the *International Convention on Standards of Training, Certification and Watchkeeping for Seafarers* (STCW Convention). The STCW Convention is an international instrument establishing minimum standards of competence and certification for seafarers internationally.

On 8 June 2023 the Maritime Safety Committee (MSC) of the International Maritime Organization (IMO) adopted resolution MSC.540(107) regarding seafarer certificates. The amendment is comprised of two textual amendments to allow for these certificates to be issued and stored onboard ships electronically. The first inserts a new definition of a 'original form' to specify the original form of a certificate can be either paper or electronic. The second amendment expands paragraph 11 under Regulation I/2 of the Annex regarding certificates and endorsements, to establish minimum requirements for the practical use of electronic certificates, requiring that electronic certificate holders have at hand the necessary information to verify their certificate.

The proposed treaty action is expected to have a minor practical, legal and financial effect for Australia. No negative consequences are expected from this action as the anticipated impact of the amendments is to provide seafarers with greater flexibility in managing records of their certifications. The amendments do not impact the fees charged or the process for issuing certificates and will be communicated by AMSA through the explanatory text on issued certificates.

The Office of Impact Assessment has reviewed the proposal and determined that a detailed Impact Analysis is not required and that the proposal is unlikely to have a more than minor impact (OIA24-07108).

#### Nature and timing of proposed treaty matter

In accordance with Articles XII(1)(a)(ix) and XII(1)(a)(vii)(2) of the STCW Convention, the proposed amendments will enter into force on 1 January 2025, unless prior to 1 July 2024, the Secretary-General of the IMO has been notified of objections to the Amendment by: (i) more than one third of all Contracting Parties to the Convention; or (ii) Contracting Parties to the Convention whose combined merchant fleets constitute not less than 50 per cent of the gross tonnage of the world's merchant shipping of ships of 100 gross register tons or more.

Australia does not propose to object to the amendments. As a party to the STCW Convention, Australia's acceptance of the amendments is tacit and the amendments will likely enter into force for Australia on 1 January 2025 unless the objection threshold is met and communicated by 1 July 2024.

## **Reasons for Australia to take the proposed action relating to the treaty matter**

Australia's acceptance of these amendments is necessary to ensure the rules applicable to training, certification and watchkeeping standards in Australia remain consistent with international standards, while also allowing additional flexibility and ease of managing certificates for Australia seafarers.

## **Implementing Legislation**

No legislative action is required to give effect to the requirements of this amendment. AMSA has advised that the necessary changes will be made to the explanatory text on certificates they issue, once effective.

Maritime and Shipping Branch

The Department of Infrastructure, Transport, Regional  
Development and Communications and the Arts

June 2024

**ANNEX 10**

**RESOLUTION MSC.540(107)  
(adopted on 8 June 2023)**

**AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF  
TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO article XII of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 ("the 1978 STCW Convention"), concerning the procedures for amending the 1978 STCW Convention,

RECOGNIZING the need for providing a timely response to the global digitalization trend, as well as a solution for the management and control of seafarers' certificates issued pursuant to the 1978 STCW Convention,

HAVING CONSIDERED, at its 107th session, amendments to the 1978 STCW Convention proposed and circulated in accordance with article XII(1)(a)(i) thereof,

1 ADOPTS, in accordance with article XII(1)(a)(iv) of the 1978 STCW Convention, amendments to said Convention, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article XII(1)(a)(vii)(2) of the 1978 STCW Convention, that said amendments shall be deemed to have been accepted on 1 July 2024, unless, prior to that date, more than one third of Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping of ships of 100 gross register tons or more have notified to the Secretary-General of the Organization that they object to the amendments;

3 INVITES Parties to note that, in accordance with article XII(1)(a)(ix) of the 1978 STCW Convention, the amendments annexed hereto shall enter into force on 1 January 2025 upon their acceptance, in accordance with paragraph 2 above;

4 URGES Parties to implement the amendments to regulations I/1 and I/2 at an early stage;

5 REQUESTS the Secretary-General, for the purposes of article XII(1)(a)(v) of the 1978 STCW Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to the 1978 STCW Convention;

6 ALSO REQUESTS the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization, which are not Parties to the 1978 STCW Convention.

ANNEX

**AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF  
TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978**

**CHAPTER I  
GENERAL PROVISIONS**

**Regulation I/1**

*Definitions and clarifications*

1 In paragraph 1, the following new definition is added after existing sub-paragraph .44:

".45 *Original form* means a paper or an electronic form of any certificate required by the Convention, issued in the format approved by the Administration, provided that the minimum information, as required in paragraph 4 of section A-I/2 of the STCW Code, is readily available."

**Regulation I/2**

*Certificates and endorsements*

2 Paragraph 11 is replaced by the following, together with the associated footnote:

"11 Subject to the provisions of regulation I/10, paragraph 5, any certificate required by the Convention must be kept available in its original form on board the ship on which the holder is serving. If an electronic form<sup>\*</sup> is used, the minimum required data must be accessible as defined by the Administration in accordance with the STCW Code, which is necessary to initiate a verification procedure.

<sup>\*</sup> Refer to the *Guidelines on the use of electronic certificates of seafarers* (MSC.1/Circ.1665)."

\*\*\*