



Luxembourg, November 22nd 2011

Circular CAM 05/2011

O/Ref. : CAM/BB/91239

Subject: STCW Convention & Code - 2010 Manila Amendments

To: All Accredited Shipping Managers, ship owners, ship operators and designated persons of Luxembourg flagged ships.

The draft amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended, (STCW Convention) and associated code were approved during the 41st session of the STW Sub-Committee and finally adopted in June of 2010, following the IMO Conference held in Manila, Philippines.

According to Resolutions 1 and 2 of the Conference and article XII of the STCW Convention, the **2010 Manila Amendments will enter into force on January 1st, 2012.**

Notwithstanding the date mentioned before, a **transitional period** will allow for the issuance, recognition and endorsement of certificates by Administrations **until January 1st, 2017**, providing that seafarers commence seagoing service, approved education course and/or training programs until July 1st, 2013 at the latest.

Among the numerous changes included in the new text, of key importance are:

- the **new provisions** concerning the **Certificates of Competency (CoC) and/or Proficiency (CoP)** issued under Chapter V - Special Training Requirements for Personnel on certain types of ships - Regulation V/1.1 and Regulation V/1.2;
- the new **procedures for the endorsement of CoCs and CoPs** set-up in Regulation I/2 - Certificates and Endorsements - point 7 paragraphs 1 and 2 and
- the **new provisions** regarding **working and resting hours** of seafarers defined in Section A-VIII/1 and the guidelines in Section B-VIII/1 of the STCW Code.

In order to reduce the paperwork and speed-up the communication flow, the CAM has decided to launch new procedures as regards the endorsement of CoCs and/or CoPs for worldwide seafarers, as from 1st January 2012 onwards.

i) **Application forms for the endorsement of CoCs and/or CoPs issued to masters, officers and any person with immediate responsibility for loading, discharging, or other cargo-related operations** (Chapters II, III, IV, V and VI) **working on board of oil/chemical/liquefied gas tankers** shall only be forwarded to this maritime administration by the Company¹ with **documentary evidence attesting the authenticity and validity of those documents.**

In practical terms and according to point 15 of Regulation I/2, each Party undertakes to make **available information** on the status of CoC's, CoP's and endorsements to other parties and **companies who may request verification** of the authenticity and validity of these documents.

¹ Company is the entity responsible for the management of the ship in accordance with the ISM Code. For ships that are not required to comply with the ISM Code, Company is the entity as defined in STCW Convention Regulation I/1.25).

Upon reception of this documentation, the **CAM will promptly issue the requested endorsements** allowing for seafarers to perform their duties on board oil/chemical/liquefied gas tankers.

An ad-hoc verification of both the validity and the authenticity of the Certificates of Competency and/or Certificates of Proficiency will then be carried out by the CAM by contacting the issuing Party.

ii) For **ships other than oil/chemical/liquefied gas tankers**, the **current procedure for application for the endorsement of a CoC remains unchanged**.

In case a non valid CoC and/or CoP is detected, this document will immediately be withdrawn and the seafarer in question will no longer be authorized to perform any duty on board.

Obs: Directive 2008/106/EC is currently under review by the Commission in order to bring the European legislation in line with the 2010 STCW Manila Amendments. While this course of action will most probably take a few months before the new text is finally adopted, the current procedure for recognition of foreign certificates by Member States will remain as it is.

As from January 1st, 2012, the following **new categories will become part of the STCW Convention and Code**: Able Seafarer Deck (Chapter II - Regulation II/5), Able Seafarer Engine (Chapter III - Regulation III/5), Electro-Technical Officer (Chapter III - Regulation III/6) and Electro-Technical Rating (Chapter III - Regulation III/7).

As a result, a new Minimum Safe Manning Certificate needs to be issued for every ship registered in Luxembourg. This operation will occur either with the registration procedure for new ships, or during the renewal process for all the other vessels of the fleet.

As from January 1st, 2012, **new medical requirements** - Regulation I/9 of the STCW Convention and Sections A-I/9 and B-I/9 of the STCW Code - will be in place **for all seafarers**.

In addition, all persons who are assigned duty as **officer in charge of a watch** or as a **rating forming part of a watch** and **seafarers** whose activities involve designated **safety, prevention of pollution and security** duties on board shall comply at all times with the maximum **limits of alcohol consumption** - not greater than 0.05% blood alcohol level (BAC) or 0.25 mg/l alcohol in the breath - as defined in point 10 of Section A-VIII/1 of the STCW Code.

Likewise, seafarers mentioned before shall be provided with the following **rest periods**, as set up in points 2 and 3 of Section A-VIII/1 of the STCW Code and Regulation 2.3 - Hours of work and hours of rest - point 4 paragraph b) of the Maritime Labour Convention (MLC).

- a **minimum of 10 hours of rest in any 24-hour period**; and
- **77 hours in any 7-day period**

These **provisions are in line with the « Règlement grand-ducal du 6 juin 2003 portant déclaration d'obligation générale de la convention collective de travail relative à l'organisation du temps de travail des gens de mer conclue entre les syndicats OGB-L et LCGB, FNCTTFEL et FCPT/Syprolux, d'une part et l'Union des Armateurs Luxembourgeois et l'Association Luxembourgeoise des Intérêts Maritimes, d'autre part »** and **must be strictly adhered to by all parties**.

You are kindly requested to ensure adequate dissemination of this information within your company and to the Luxembourg flagged vessels which are affected.



(s) Robert BIWER
Government Commissioner
for maritime affairs