

## **RESOLUTION MSC.373(93)**

### **(adopted on 22 May 2014)**

#### **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 (STCW), 1978 (hereinafter referred to as "the Convention"), concerning the procedures for amending the Convention,

RECALLING FURTHER that the Assembly, by resolution A.1070(28), adopted the IMO Instruments Implementation Code (III Code),

NOTING proposed amendments to the Convention to make the use of the III Code mandatory,

HAVING CONSIDERED, at its ninety-third session, amendments to the Convention proposed and circulated in accordance with article XII(1)(a)(i) of the Convention,

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

2 DETERMINES that, pursuant to new regulation I/16, whenever the word "should" is used in the III Code (Annex to resolution A.1070(28)), it is to be read as being "shall", except for paragraphs 29, 30, 31 and 32;

3 DETERMINES ALSO, in accordance with article XII(1)(a)(vii)(2) of the Convention, that the amendments to the Convention shall be deemed to have been accepted on 1 July 2015, 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 tonnes or more, have notified their objections to the amendments;

4 INVITES Parties to note that, in accordance with article XII(1)(a)(viii) of the Convention, that the amendments to the Convention, shall enter into force on 1 January 2016 upon their acceptance in accordance with paragraph 2 above;

5 REQUESTS the Secretary-General, in conformity with article XII(1)(a)(v) to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to the 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 Convention.

#### **ANNEX**

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

##### **CHAPTER I**

##### **GENERAL PROVISIONS**

1 The following new definitions are added at the end of regulation I/1.36:

"37 *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

38 *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization\*.

39 *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).

40 *Audit Standard* means the Code for Implementation.

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\* Refer to the *Framework and Procedures for the IMO Member State Audit Scheme* , adopted by the Organization by resolution A.1067(28)."

2 A new regulation I/16 is added after the existing regulation I/15:

**"Regulation I/16**

**Verification of compliance**

1 Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention.

2 Every Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the present Convention.

3 The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization\*.

4 Every Party shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization\*.

5 Audit of all Parties shall be:

.1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and

.2 conducted at periodic intervals, taking into account the guidelines developed by the Organization\*.

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\* Refer to the *Framework and Procedures for the IMO Member State Audit Scheme* , adopted by the Organization by resolution A.1067(28)."

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