

SUB-COMMITTEE ON HUMAN ELEMENT,
TRAINING AND WATCHKEEPING
9th session
Agenda item 15

HTW 9/WP.1/Rev.1
13 February 2023
Original: ENGLISH

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**DRAFT REPORT TO THE MARITIME SAFETY COMMITTEE AND THE MARINE
ENVIRONMENT PROTECTION COMMITTEE***

1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The ninth session of the Sub-Committee on Human Element, Training and Watchkeeping (HTW) was held from 6 to 10 February 2023, chaired by Mr. H. Storhaug (Norway). The Vice-Chair of the Sub-Committee, Mr. R. Cigarruista (Panama), participated remotely.

1.2 The session was attended by Members and Associate Members; representatives from the United Nations specialized agencies; observers from intergovernmental organizations with agreements of cooperation; and observers from non-governmental organizations in consultative status, as listed in document HTW 9/INF.1.

Use of hybrid meeting capabilities

1.3 The Sub-Committee noted that the plenary sessions would be conducted in hybrid mode, i.e. remote participation enabled, taking into account the relevant decisions of C 127 (C 127/D, paragraph 17.3).

1.4 In this regard, the Sub-Committee noted that C 127 had:

* Delegations wishing to comment on this draft report should submit their comments to htw@imo.org, no later than Monday, 20 February 2023, 23:59 (UTC). Comments should state the specific paragraphs of the draft report to which they relate and, where possible, proposed alternative wording should be provided. If a Member has no comments on the draft report (HTW 9/WP.1/Rev.1), for reasons of economy, there is no need to provide a response. After review, the Chair will provide a summary of how comments received, if any, have been addressed.

- .1 agreed to the use of hybrid facilities to complement in-person meetings from September 2022, for a trial period of one year;
- .2 agreed that the rules of procedure and the *Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic* (MSC-LEG-MEPC-TCC-FAL.1/Circ.1), as appropriate, should be applied and that only representatives of the Members attending the meeting in person at IMO Headquarters would be allowed to vote; and
- .3 invited other organs of the Organization to follow the above decisions and to report to a future session of the Council on their experience with hybrid meetings.

1.5 In this connection, the Sub-Committee recalled, as per Article 30 of the IMO Convention, which provided that the Committee shall adopt its own rules of procedure and, in line with the decisions of the Council, MSC 106 and MEPC 79, that:

- .1 as per the current Rules of Procedure of the Committees and the *Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic*, adopted by the Committees at the ALCOM meeting in September 2020, for this hybrid session, a Member State would be considered "present" for the purposes of rule 28(1) if they were either physically present in the Main Hall, or registered and participating remotely online using the hybrid system; and
- .2 any voting by secret ballot would take place in person only.

Update on the revised Organization and method of work (MSC-MEPC.1/Circ.5/Rev.4)

1.6 The Sub-Committee noted that MSC 106 and MEPC 79 had concurrently approved the fourth revision of the Organization and method of work (MSC-MEPC.1/Circ.5/Rev.4), which provided a five working day commenting period for delegations from the day of the publication of the final draft report, limited to editorial corrections and improvements, including finalizing individual statements, and that such comments should not reopen discussion on decisions taken during the session.

1.7 In addition to the above, the Sub-Committee noted that MSC-MEPC.1/Circ.5/Rev.4 included a revised paragraph 6.3, stating that documents should not be introduced in plenary unless the Chair decided that this was essential for the proper consideration of the matter concerned. It was also noted that the revised method of work allowed submitters of documents to indicate, prior to or when the document was considered, if they had additional information or context required for the discussions, in order for the Chair to prioritize interventions.

Opening address of the Secretary-General

1.8 The Secretary-General welcomed participants and delivered the opening address, the full text of which can be found on the IMO website at the following link:

<https://www.imo.org/en/MediaCentre/SecretaryGeneral/Pages/Secretary-GeneralsSpeechesToMeetings.aspx>

Chair's remarks

1.9 The Chair thanked the Secretary-General for his opening address and stated that his advice and requests would be given every consideration in the deliberations of the Sub-Committee.

Fair treatment of seafarers detained on suspicion of committing maritime crimes

1.10 The Sub-Committee noted the intervention by the delegation of ICS, supported by China and Hong Kong, China, raising awareness of the imprisonment without trial in Honduras of Captain Yu Yihai, former Master of the **Mount Hikurangi**. The full texts of the statements are set out in annex [...].

1.11 In this connection, the Sub-Committee also noted the information provided by the Secretariat on the ongoing work in the Legal Committee on the development of guidelines on fair treatment of seafarers detained on suspicion of committing maritime crimes, including the establishment of a working group at LEG 110.

Adoption of the agenda and related matters

1.12 The Sub-Committee adopted the agenda (HTW 9/1) and agreed to be guided in its work, in general, by the annotations contained in document HTW 9/1/1 (Secretariat) and the arrangements in document HTW 9/1/2 (Chair).

Establishment and early release of groups

1.13 The Sub-Committee, in accordance with the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.4, paragraph 5.19), authorized the Drafting Group on Model

Courses to start their deliberations on Monday morning, based on the provisional terms of reference, pending formal discussion of those terms of reference under the relevant agenda item.

2 DECISIONS OF OTHER IMO BODIES

General

2.1 The Sub-Committee, having noted the decisions and comments pertaining to its work made by LEG 109, MSC 105, C 127, III 8 and MSC 106, as reported in documents HTW 9/2 and HTW 9/2/2, agreed to take action, as appropriate, under the relevant agenda items.

Outcome of FAL 46 – IMO Compendium on Facilitation and Electronic Business

2.2 The Sub-Committee noted information on the work developed by the FAL Committee on the IMO Compendium on Facilitation and Electronic Business and the development of an IMO Code List on crew ranks and ratings (HTW 9/2/1).

Impact of the Russian Federation's aggression against Ukraine on the functioning of the system of maritime education and training institutions in Ukraine

2.3 The Sub-Committee noted, in line with the request by the thirty-fifth extraordinary session of the Council (C/ES.35/D, section 3), the information provided by the Secretariat on the status of seafarers in the Black Sea and the Sea of Azov, the full text of which is set out in annex [...].

2.4 The Sub-Committee also noted the establishment of an emergency task force led by the Secretariat, to continue the dialogue with relevant parties, to resolve the situation of seafarers and ships in the Black Sea and the Sea of Azov.

2.5 The Sub-Committee considered document HTW 9/2/3 (Ukraine), drawing the attention of the Sub-Committee to adverse impacts of the Russian Federation's aggression against Ukraine on the functioning of the system of maritime education and training in Ukraine, including the issuance of certificates of competency and seafarers' identity documents in certain parts of Ukraine's regions temporarily occupied by the Russian Federation.

2.6 In this regard, the Sub-Committee noted statements made by a number of delegations and, as requested, the full texts of those made by the delegations of Australia, Canada, Cyprus, France, Georgia, Germany, Iceland, Japan, Portugal, Spain, Sweden (on behalf of the

European Union), Ukraine, United Kingdom, United States and European Commission are set out in annex [...].

2.7 The Sub-Committee further noted the statement made by the delegation of the Russian Federation, the full text of which is set out in annex [...].

2.8 Following consideration, the Sub-Committee:

- .1 reiterated the decisions taken by the Council, at its thirty-fifth extraordinary session (C/ES.35/D, paragraphs 3.4 and 3.5);
- .2 reiterated the content of resolutions MSC.495(105) on *Actions to facilitate the urgent evacuation of seafarers from the war zone area in and around the Black Sea and the Sea of Azov as a result of the Russian Federation aggression against Ukraine* and MSC.519(106) on *Member States' obligations in connection with search and rescue services under the SOLAS and SAR Conventions in the context of armed conflicts*;
- .3 underscored the importance of preserving the integrity and functions of the maritime education and training system in Ukraine, including the delivery of training, by training institutions, and the issuance of lawful seafarers' certificates and documents; and
- .4 invited interested Member States and international organizations to submit proposals to MSC 107 for further consideration and possible development of guidance to address the matters raised in paragraph 17.4 of document HTW 9/2/3, as appropriate.

3 VALIDATED MODEL TRAINING COURSES

General

3.1 The Sub-Committee noted that MSC 106 and MEPC 79 had approved the revised *Guidelines for the development, review and validation of model courses* providing new appendices 4 and 5 on action verb taxonomy for model courses and guidance on learning outcomes, respectively, which had been issued as MSC-MEPC.2/Circ.15/Rev.2 (MSC 106/19, paragraph 10.2 and MEPC 79/15, paragraph 9.1).

E-learning courses

3.2 The Sub-Committee noted that MSC 106 and MEPC 79, having taken into account the workloads of sub-committees, had requested the Secretariat to provide a list of relevant e-learning courses under the remit of each sub-committee to assist in their prioritization by the sub-committees in relation to the implementation of instruments other than the STCW Convention, taking into account the List of IMO model courses set out in annex 7 to document III 8/19, but not limited to the courses in the list.

3.3 The Sub-Committee recalled that HTW 6, when considering the conversion of model courses into e-learning model courses, had concluded that conversion of STCW model courses into e-learning model courses would:

- .1 change the current approach and goal of model courses, as they were not courses ready to be delivered but tools assisting Member States and other stakeholders to develop detailed training programmes; and
- .2 require careful consideration of any accountability implications for the subsequent assessment of competence, training quality and independent evaluation relating to this training material in accordance with the STCW Convention.

3.4 The Sub-Committee noted that the aforementioned implications affected all model courses, with the exception of the accountability implications related to the independent evaluations, which only affected STCW model courses and, therefore, model courses should not generally be converted into e-learning training material, and invited the Committees to consider the implications of the conversion of model courses into e-learning model courses for action, as appropriate.

Report on the model courses programme under the Revised guidelines (MSC-MEPC.2/Circ.15/Rev.2)

3.5 The Sub-Committee had for its consideration document HTW 9/3 (Secretariat), providing:

- .1 a report on the model courses that had been developed/revised and submitted to this session for validation;

- .2 a summary of the arrangements agreed for the validation of model courses by HTW 10 and proposed arrangements for the validation of model courses by HTW 11; and
- .3 an overview of the complete set of IMO model courses.

3.6 Following consideration, the Sub-Committee:

- .1 took actions as outlined in paragraphs 3.11 to 3.17 below with regard to the draft model courses and related documents, consideration of which had been postponed to this session (HTW 9/3, paragraph 13.1), including documents HTW 9/WP.3, HTW 9/WP.4 and HTW 9/WP.5 containing the reports of the intersessional virtual drafting groups;
- .2 took actions as outlined in paragraphs 3.35 to 3.38 and [3...] to [3...] below with regard to the proposed arrangements for the validation of model courses by HTW 11 (HTW 9/3, paragraphs 13.3 to 13.7); and
- .3 noted the overview of the complete set of IMO model courses, including those that did not fall under the purview of the HTW Sub-Committee.

Validation of model courses

3.7 The Sub-Committee recalled that HTW 7, owing to the circumstances emanating from the COVID-19 situation, had deferred consideration to HTW 8 of the following model courses planned for validation at that session (HTW 7/16, paragraphs 3.1 and 3.2):

- .1 new model course on passenger safety, cargo safety and hull integrity training;
- .2 revised Model Course 2.03 on Advanced Training in Fire Fighting;
- .3 revised Model Course 1.22 on Bridge Resource Management; and
- .4 new model course on engine-room resource management.

3.8 The Sub-Committee also recalled that HTW 8 (HTW 8/16, paragraphs 3.1 to 3.3) had:

- .1 not been able to consider the remaining documents owing to the impracticality of establishing several drafting groups during the limited time available at its virtual session and deferred all pending documents to this session, including the following draft model courses initially planned for validation at HTW 8:
 - .1 revised Model Course 3.25 on Security Awareness Training for All Port Facility Personnel;
 - .2 revised Model Course 3.26 on Security Training for Seafarers with Designated Security Duties; and
 - .3 revised Model Course 3.27 on Security Awareness Training for All Seafarers; and
- .2 agreed to establish three drafting groups to meet between HTW 8 and HTW 9, with a view to considering all pending draft model courses, initially planned to be validated at HTW 7 and HTW 8, by means of virtual meetings and advising HTW 9 accordingly for validation at this session.

3.9 The Sub-Committee noted that MSC 105 had approved, and C 127 subsequently endorsed, the holding of virtual meetings of these three intersessional drafting groups, to take place during 2022 (MSC 105/20, paragraph 16.2 and C 127/D, paragraph 10.3.4).

3.10 The Sub-Committee also noted that meetings of three intersessional drafting groups, to consider all pending draft model courses initially planned to be validated at HTW 7 and HTW 8, took place during 2022.

Reports of the intersessional virtual drafting groups

3.11 The Sub-Committee endorsed that the three groups had used draft new appendix 4 on Action verb taxonomy for model courses, which had been included in the draft amendments to the *Revised guidelines for the development, review and validation* (MSC-MEPC.2/Circ.15/Rev.1) prepared by HTW 8, pending approval by the Committees.

3.12 Having approved the reports of the three intersessional drafting groups on model courses (HTW 9/WP.3, HTW 9/WP.4 and HTW 9/WP.5) in general, the Sub-Committee took actions as outlined in the ensuing paragraphs.

Model courses initially planned to be validated at HTW 7 and HTW 8

3.13 The Sub-Committee validated the following new model courses:

- .1 Passenger Safety, Cargo Safety and Hull Integrity Training; and
- .2 Engine-room Resource Management.

3.14 The Sub-Committee also validated the following revised model courses:

- .1 1.22 on Bridge Resource Management;
- .2 2.03 on Advanced Training in Fire Fighting;
- .3 3.25 on Security Awareness Training for All Port Facility Personnel;
- .4 3.26 on Security Training for Seafarers with Designated Security Duties; and
- .5 3.27 on Security Awareness Training for All Seafarers.

Model Course 1.22 on Bridge Resource Management

3.15 The Sub-Committee noted the request by IMPA to refer to the relationship between the bridge team and pilot in Model Course 1.22 in the same manner as in the provisions of SOLAS regulation V/15.5 to 15.7.

3.16 The Sub-Committee endorsed the agreement by the drafting group (HTW 9/WP.4, paragraph 9) that, owing to the change of the contents of Model Course 1.22 on Bridge Resource Management, the references and the associated KUPs in Model Course 7.01 on Master and Chief Mate would require updating during the periodic review in accordance with the *Revised guidelines for the development, review and validation of model courses* (MSC-MEPC.2/Circ.15/Rev.2).

3.17 The Sub-Committee considered the proposal by India to consider the validated revision of Model Course 1.22, addressed at the operational level, to be a new model course, and to retain the existing Model Course 1.22, addressed at the management level. In considering this proposal, the Sub-Committee noted that this matter had been extensively discussed previously and that it was agreed to amend Model Course 7.01 on Master and Chief Mate in the future to align matters.

3.18 Following consideration, the Sub-Committee confirmed its previous decision (see paragraph 3.14.1) and invited interested Member States and international organizations to submit a proposal to develop a new, or revise an existing, model course to a future session of the Sub-Committee, as appropriate.

Model courses planned to be validated at this session

3.19 The Sub-Committee recalled that HTW 7 had endorsed the revision of the following three model courses with a view to validation at this session (HTW 7/16, paragraph 3.3):

- .1 1.23 on Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats;
- .2 1.24 on Proficiency in Fast Rescue Boats; and
- .3 1.20 on Fire Prevention and Fire Fighting.

Draft revised Model Course 1.23 on Proficiency in Survival Craft and Rescue Boats Other Than Fast Rescue Boats

3.20 The Sub-Committee noted that draft revised Model Course 1.23 had been developed by a hired expert and reviewed by a review group coordinated by Captain Vinayak Mohla (GlobalMET) and expressed its appreciation for their hard work.

3.21 In this context, the Sub-Committee considered documents HTW 9/3/1 and Add.1 (Secretariat), containing the report of the review group and the draft new model course, respectively.

3.22 Following consideration, the Sub-Committee referred the draft revised model course, together with the report of the review group, to the drafting group for consideration with a view to validation.

Draft revised Model Course 1.24 on Proficiency in Fast Rescue Boats

3.23 The Sub-Committee noted that draft revised Model Course 1.24 had been developed by a hired expert and reviewed by a review group coordinated by Captain Vinayak Mohla (GlobalMET) and expressed its appreciation for their hard work.

3.24 In this context, the Sub-Committee considered documents HTW 9/3/2 and Add.1 (Secretariat), containing the report of the review group and the draft new model course, respectively.

3.25 Following consideration, the Sub-Committee referred the draft revised model course, together with the report of the review group, to the drafting group for consideration with a view to validation.

Draft revised Model Course 1.20 on Fire Prevention and Fire Fighting

3.26 The Sub-Committee noted that the draft revised Model Course 1.20 had been developed by a hired expert and reviewed by a review group coordinated by Mr. Jan-Willem Verhoeff (Netherlands) and expressed its appreciation for their hard work.

3.27 In this context, the Sub-Committee considered documents HTW 9/3/3 and Add.1 (Secretariat), containing the report of the review group and the draft new model course, respectively.

3.28 Following consideration, the Sub-Committee referred the draft revised model course, together with the report of the review group, to the drafting group for consideration with a view to validation.

Proposal to review/update model training courses for general and restricted operator's certificate for the Global Maritime Distress and Safety System

3.29 The Sub-Committee considered a proposal by IMSO (HTW 9/3/4) to review and update Model Course 1.25 on General Operator's Certificates for the Global Maritime Distress and Safety System (GMDSS) and Model Course 1.26 on Restricted Operator's Certificate for the GMDSS, in relation to the GMDSS modernization, and the Iridium mobile satellite system and the BeiDou Message Service System for use in the GMDSS, newly recognized after validation of these model courses in 2015.

3.30 The Sub-Committee noted that:

.1 training provisions for GMDSS radio operators were provided in:

.1 table 47-1 of the Radio Regulations established by the International Telecommunication Union (ITU); and

.2 regulation IV/2 of the STCW Convention and section A-IV/2 of the STCW Code; and

.2 section B-IV/2 of the STCW Code provided guidance regarding training and certification of GMDSS radio operators.

3.31 The Sub-Committee also noted that draft amendments to table 47-1 (Requirements for radio electronic and operator's certificates) of the ITU Radio Regulations, reflecting the outcome of the GMDSS modernization, were planned to be considered by the ITU World Radiocommunication Conference 2023 (WRC-23), to take place in November 2023, for approval; and that these amendments should be taken into account during the comprehensive review of the 1978 STCW Convention and Code.

3.32 In this context, the Sub-Committee considered whether it was necessary to address recent GDMSS developments in the STCW Convention and Code for GMDSS radio operators, before undertaking the proposed revision of the model courses in the document.

3.33 Having noted support for the proposal by IMSO, the Sub-Committee agreed to the proposed revision of Model Course 1.25 on General Operator's Certificates for the Global Maritime Distress and Safety System (GMDSS) and Model Course 1.26 on Restricted Operator's Certificate for the GMDSS, and instructed the drafting group to prepare draft terms of reference for the revision of these model courses, for consideration by the Sub-Committee with a view to approval.

Model courses planned for validation by HTW 10

3.34 The Sub-Committee recalled that HTW 8 had endorsed the revision of the following two model courses with a view to validation at HTW 10 (HTW 8/16, paragraph 3.6):

.1 1.32 on Operational Use of Integrated Bridge Systems Including Integrated Navigational Systems; and

.2 1.35 on Liquefied Petroleum Gas (LPG) Tanker Cargo and Ballast Handling Simulator.

Arrangements for the validation of model courses by HTW 11

3.35 In considering document HTW 9/3 (Secretariat), the Sub-Committee:

- .1 endorsed the following model courses to be revised for validation by HTW 11:
 - .1 Model Course 3.20 on Company Security Officer;
 - .2 Model Course 3.21 on Port Facility Security Officer; and
 - .3 Model Course 3.23 on Actions to Be Taken to Prevent Acts of Piracy and Armed Robbery;
- .2 requested the Secretariat to take the necessary action for the hiring of developers for the revision of those model courses, subject to the Secretariat's contracting process; and
- .3 instructed the drafting group established at this session to prepare draft terms of reference, as well as the corresponding time frames.

3.36 The Sub-Committee recalled its earlier agreement to the proposed revision of Model Courses 1.25 and 1.26, also for validation by HTW 11 (paragraphs 3.29 to 3.33 above refer).

Review groups and coordinators

3.37 In accordance with section 5 of the *Revised guidelines for the development, review and validation of model courses* (MSC-MEPC.2/Circ.15/Rev.2), the Sub-Committee established review groups, as set out in annex [..], to work intersessionally by correspondence to review the model courses planned for validation by HTW 11; and encouraged interested Member States, international organizations and other experts to participate as members of the review groups and notify their contact details to ModelCourses@imo.org within one month of the closure of this session.

3.38 The Sub-Committee selected as review group Coordinators:

- .1 Mr. Jan-Willem Verhoeff (Netherlands) for revised Model Courses 3.20 on Company Security Officer, 3.21 on Port Facility Security Officer and 3.23 on Actions to Be Taken to Prevent Acts of Piracy and Armed Robbery;

- .2 [name to be confirmed] for revised Model Course 1.25 on General Operator's Certificates for the Global Maritime Distress and Safety System (GMDSS); and
3. [name to be confirmed] for revised Model Course 1.26 on Restricted Operator's Certificate for the GMDSS.

Establishment of the Drafting Group on Model Courses

3.39 The Sub-Committee established the Drafting Group on Model Courses, chaired by Capt. Vinayak Mohla (GlobalMET), and instructed it, taking into account the comments made and decisions taken in plenary, to:

- .1 consider documents HTW 9/3/1 and Add.1, HTW 9/3/2 and Add.1; and HTW 9/3/3 and Add.1, including the content of the corresponding draft model courses and its alignment with the scope of the related provisions in the STCW Code, and advise the Sub-Committee accordingly with a view to validating the draft model courses at this session;
- .2 prepare draft terms of reference, as well as the corresponding time frames, in accordance with the template set out in annex 3 to document HTW 4/3, for the revision of the following model courses:
 - .1 3.20 on Company Security Officer;
 - .2 3.21 on Port Facility Security Officer;
 - .3 3.23 on Actions to Be Taken to Prevent Acts of Piracy and Armed Robbery;
 - .4 1.25 on General Operator's Certificates for the Global Maritime Distress and Safety System (GMDSS); and
 - .5 1.26 on Restricted Operator's Certificate for the GMDSS.

Report of the Drafting Group on Model Courses

3.40 Having approved the report of the Drafting Group (HTW 9/WP.10), in general, the Sub-Committee took actions as outlined in the ensuing paragraphs.

[to be prepared by the Secretariat in consultation with the Chair after the session, based on the Group's report and the actions requested therein, taking into account the decisions taken by the Sub-Committee during subsequent discussions]

4 ROLE OF THE HUMAN ELEMENT

Decisions of other IMO bodies

Holistic approach on the human element

4.1 The Sub-Committee recalled that A 32 had included a specific strategic direction on the human element in the *Revised Strategic Plan for the Organization for the six-year period 2018 to 2023* (resolution A.1149(32)).

4.2 The Sub-Committee also recalled that HTW 8 had considered the ongoing work on the human element and, having recognized that it was not the only body responsible for human element matters in the Organization, requested MSC 105 to invite all relevant IMO bodies to assess their respective involvement in the human element (HTW 8/16, paragraphs 4.6 to 4.10).

4.3 The Sub-Committee noted that MSC 105 had invited all relevant IMO bodies to assess their respective involvement in the human element within their remit and report back to the Committee with a view to devising an outline for a holistic approach on the human element, taking into account resource and budgetary implications within the Organization (MSC 105/20, paragraph 16.3), and that this invitation was currently under consideration by relevant bodies, the outcome of which would be reported back to the Committee.

4.4 Recognizing that it played a leading role on the human element, the Sub-Committee invited interested Member States and international organizations to submit proposals to a future session of the Sub-Committee, outlining a holistic approach on the human element based on the instructions by, and the information to be reported to, the Committee by other IMO bodies, taking into account resource and budgetary implications within the Organization.

Joint ILO/IMO Tripartite Working Group to identify and address seafarers' issues and the human element

4.5 The Sub-Committee recalled that, following endorsement by C 125 of the establishment of a joint ILO/IMO Tripartite Working Group to Identify and Address Seafarers' Issues and the Human Element (JTWG), the 343rd session of the ILO Governing Body (November 2021) had approved its establishment (HTW 8/16, paragraph 4.4).

4.6 The Sub-Committee noted that LEG 109 had noted that the first meeting of JTWG, which would consider the guidelines for port State and flag State authorities on how to deal with seafarer abandonment cases, was foreseen to take place during the second half of 2022, which had already been held; and a second meeting on the issue of fair treatment of seafarers detained on suspicion of committing maritime crimes was expected to take place in 2024 (LEG 109/16/1, paragraphs 4(c).4, 4(d).3 and 4(d).6).

4.7 The Sub-Committee also noted that, having recognized the need for joint action with ILO to tackle bullying and harassment in the maritime sector, including sexual assault and sexual harassment, with the objective of ensuring a safe workplace for seafarers, MSC 105 (MSC 105/20, paragraphs 16.13 and 16.14) had:

- .1 instructed JTWG (under paragraph 4(c) of its terms of reference) to "consider bullying and harassment in the maritime sector, including sexual assault and sexual harassment, taking into account information submitted by interested parties, with a view to providing recommendations for future steps, including the development of legislation, mechanisms and policies, and the launching of awareness campaigns by relevant stakeholders, aimed at reporting and addressing these matters", subject to endorsement by the Council;
- .2 invited Member States and international organizations to submit relevant information on these matters directly to JTWG, as and when the meeting was convened;
- .3 requested the Secretariat to contact the ILO Secretariat in order to:
 - .1 notify ILO of these decisions, for agreement by the ILO Governing Body; and
 - .2 set a suitable date for the holding of the meeting of JTWG at the earliest opportunity; and

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- .4 encouraged:
- .1 Member States to implement mechanisms and adopt relevant policies and legislation to protect seafarers; and
 - .2 shipping companies to implement internal monitoring, reporting and prevention policies, as well as procedures aimed at eliminating all forms of bullying and harassment on board ships and to take corrective action against persons engaging in unacceptable behaviour and practices of this nature.

4.8 The Sub-Committee further noted that C 127 (C 127/D, paragraphs 20.2 to 20.4) had:

- .1 endorsed the establishment of JTWG, including its method of work and terms of reference;
- .2 endorsed the instruction by MSC 105 to JTWG (see paragraph 4.7.1 above);
- .3 endorsed the Legal Committee's forwarding of the draft guidelines for port State and flag State authorities on how to deal with seafarer abandonment cases to the first meeting of JTWG for further consideration and refinement;
- .4 agreed to nominate Governments as IMO representatives to JTWG for each task, bearing in mind that all other Member States might attend the discussions of the Group as observers;
- .5 appointed the following Governments as IMO representatives to JTWG for the two respective tasks, as follows:
 - .1 for the task concerning the guidelines for port State and flag State authorities on how to deal with seafarer abandonment cases: Argentina, France, India, Indonesia, Kenya, the Marshall Islands, the Philippines and the United Kingdom; and
 - .2 for the task concerning bullying and harassment in the maritime sector, including sexual assault and sexual harassment: the Bahamas, France, Panama, the Philippines, South Africa, Sweden, Thailand and the United States; and

- .6 endorsed the recommendations to apply the process of informal consultation for determining the composition of Government representatives to future meetings of JTWG; and encouraged Governments participating in meetings of JTWG, either as observers or appointed representatives, to coordinate, as far as possible, their positions prior to and during the meetings. The Council also noted that the Chair, Vice-Chair and Spokesperson of the Government groups representing IMO should be elected by the appointed representatives to the corresponding meetings of JTWG.

4.9 The Sub-Committee also noted that the first meeting of JTWG took place from 13 to 15 December 2022, which had agreed on the guidelines on seafarer abandonment, and that the outcome of the meeting would be reported to the ILO Governing Body and IMO Legal Committee in 2023. It was also noted that the second meeting of JTWG was scheduled to take place at the end of 2023 and was expected to consider the issue of bullying and harassment in the maritime sector, including sexual assault and sexual harassment (SASH).

4.10 The Sub-Committee further noted information provided orally by the Secretariat in relation to the work of JTWG on bullying and harassment, including SASH (see paragraphs 4.7.1 and 7.9), in particular that JTWG should consider these matters with a view to providing recommendations to ILO and IMO for future steps, including:

- .1 the development of legislation, the relevant part of which was being undertaken by the Sub-Committee. Following confirmation by MSC 105 that JTWG should consider the development of training provisions addressing bullying and harassment in the maritime sector, including SASH, within its new term of reference (MSC 105/20, paragraph 16.18.1), draft provisions developed by the Sub-Committee should be referred to JTWG for advice. Any work related to the development of legislation was expected to take into account existing provisions such as the Violence and Harassment Convention, 2019 (No.190), the Violence and Harassment Recommendation, 2019 (No.206), the MLC, 2006, the ISM Code and the FAL Convention;
- .2 mechanisms and policies, which might involve companies in order to take action as part of their own policies and measures in cases of bullying and harassment. This action would require an assessment of the current ISM

framework and consideration of the need to introduce amendments or develop other provisions to address the matter; and

- .3 the launching of awareness campaigns by relevant stakeholders, aimed at reporting and addressing these matters, where recommendations were expected to be provided by JTWG.

Information on the implementation of training programmes for MASS personnel

4.11 The Sub-Committee noted the information provided by the Russian Federation in document HTW 9/INF.4 on the implementation of training programmes for MASS personnel.

4.12 In this connection, the Sub-Committee noted the intervention by the delegation of the Russian Federation highlighting their work undertaken at national level to develop training programmes and simulators in order to develop competences required for MASS operation and stressed the importance to take into account training and watchkeeping aspects related to MASS as part of the comprehensive review of the STCW Convention and Code.

Assessing human element in navigational safety

4.13 The Sub-Committee also noted the information provided by Singapore in document HTW 9/INF.5 on assessing human element in navigational safety using artificial intelligence (AI)-based tools in a simulator.

Experience with conducting courses on navigation in polar waters

4.14 The Sub-Committee further noted the information provided by Chile in document HTW 9/INF.7 on their experience with conducting courses on navigation in polar waters for more than 30 years.

Experiences gained from the use of remote training during the COVID-19 pandemic

4.15 The Sub-Committee also noted the information provided by Chile in document HTW 9/INF.8 on their experiences gained from the use of remote training during the COVID-19 pandemic.

5 REPORTS ON UNLAWFUL PRACTICES ASSOCIATED WITH CERTIFICATES OF COMPETENCY

General

5.1 The Sub-Committee recalled that:

- .1 following the proposals of STW 30, MSC 71 had decided to include an agenda item on unlawful practices associated with certificates of competency in the Sub-Committee's agenda;
- .2 following consideration, with great concern, of reports from Member States on the proliferation of fraudulent certificates of competency and endorsements, MSC 71 approved the circular on *Fraudulent certificates of competency* (MSC/Circ.900) and A 21 adopted resolution A.892(21) on *Unlawful practices associated with certificates of competency and endorsements*;
- .3 in accordance with STCW regulation I/5 (National provisions), Parties shall take and enforce appropriate measures to prevent fraud and other unlawful practices involving certificates and endorsements issued; and
- .4 STW 43, STW 44 and HTW 1, noting the large number of fraudulent certificates reported by Parties, had urged Member States and international organizations to submit proposals on a strategy to address the problems associated with fraudulent certificates of competency.

Reports on fraudulent certificates

5.2 The Sub-Committee noted the information provided by the Secretariat in document HTW 9/INF.2, containing a summary of reports received by the Secretariat on fraudulent certificates detected in 2021 and 2022.

5.3 The Sub-Committee also noted information provided by several Member States on the ever-increasing challenges related to fraudulent certificates and the actions taken to address them in accordance with STCW regulation I/5. It was further noted that some Member States, for completeness, had provided information on certificates and documents that were beyond the capacities provided in the STCW Convention, such as on ship's cook certificates, seafarers' identity documents and medical certificates.

5.4 The Sub-Committee further noted a statement by the delegation of China, the full text of which is set out in annex [...].

5.5 In considering the increasing challenges, including as a result of the use of electronic means by responsible authorities and the consequent hacking of systems, the Sub-Committee noted that this was a challenge for the maritime industry as a whole and the response should be coordinated among all Member States involved. In this connection, the need for continuous and transparent communication between flag States and port States was encouraged.

Strategy to address the problems associated with fraudulent certificates

5.6 The Sub-Committee reiterated the need to urge Member States and international organizations to submit proposals on a strategy to address the problems associated with fraudulent certificates of competency (see paragraph 5.1.4).

Certificate verification facility

5.7 The Sub-Committee invited Member States to provide the Secretariat with updated information, which would be included in the "Certificate Verification" facility accessible on the IMO website, in order to facilitate and respond in a timely manner to requests for verification of certificates.

6 IMPLEMENTATION OF THE STCW CONVENTION

General

6.1 The Sub-Committee recalled that, following the agreement by MSC 102, matters on the "Implementation of the STCW Convention" should be given priority. HTW 7 took relevant action and endorsed the action plan for enhancing the communication of information system under the provisions of the 1978 STCW Convention based on identified gaps (HTW 7/16, paragraph 6.11 and annex 6).

6.2 The Sub-Committee also recalled that HTW 8 had considered the report of the Correspondence Group and other documents received and, having established a Working Group to consider the matter further (HTW 8/16, paragraphs 6.10 to 6.15):

- .1 endorsed the view of the Working Group, established at that session, concerning the issues identified to be considered at the next comprehensive review of the STCW Convention;

2. endorsed the Working Group's view that the issue of additional resources for the Secretariat to cope with the growing relevance of the human element and increased workload emanating from the future implementation of the draft streamlined guidance and the draft procedures should be considered holistically once these provisions had been finalized; and
- .3 re-established the Correspondence Group on the Implementation of the STCW Convention, under the coordination of the United States, with terms of reference set out in paragraph 6.15 of document HTW 8/16, and had instructed it to submit a report to this session.

Enhancement of the communication of information process

6.3 The Sub-Committee had for its consideration documents:

- .1 HTW 9/6 (United States), providing the report of the Correspondence Group on the Implementation of the STCW Convention, in particular:
 1. the draft streamlined guidance on the preparation, reporting and consideration of information related to the independent evaluations and steps taken to implement mandatory amendments required by regulations I/7 and I/8 of the STCW Convention;
 2. draft procedures regarding the consideration of information communicated in accordance with article IV and regulation I/7 of the STCW Convention and section A-I/7, paragraphs 2 and 3, of the Code; and
 3. recommendations and proposed procedures, including criteria, for the development of a dynamic list of Parties that give full and complete effect to the relevant provisions of the STCW Convention and Code, and the associated MSC circular;
- .2 HTW 9/6/1 (Secretariat), providing general comments on the draft provisions proposed in document HTW 9/6 concerning the STCW requirements on the communication of information, as well as specific comments on the feasibility of their future implementation from the Secretariat's perspective, taking into account its role in the process;

- .3 HTW 9/6/2 (Islamic Republic of Iran), providing comments on document HTW 9/6, in particular on possible inconsistencies of the draft provisions for the communication of information and draft procedures for a dynamic list with the current practices and existing provisions in the Convention; and
- .4 HTW 9/6/3 (Islamic Republic of Iran), providing comments on document HTW 9/6/1 with a view to clarifying some issues raised therein and to facilitating discussions when deciding how to proceed with the output.

6.4 During the ensuing discussion, the following views were expressed:

- .1 guidelines to support the effective implementation by STCW Parties of the communication of information requirements in the Convention would be necessary;
- .2 guidelines supporting the communication of information process should be streamlined, simple, transparent and fully in line with the requirements of the Convention; and the proposed provisions did not fully align with the Convention, were not either simple or flexible, and would cause an unacceptable additional burden on the Secretariat;
- .3 enhancement of the communication of information process should be incorporated in the output on "Comprehensive review of the STCW Convention and Code", where and in-depth analysis of relevant provisions could be undertaken and amendments developed, as necessary;
- .4 lessons learned from IMSAS should be taken into account when revising relevant provisions in the Convention; and
- .5 work could be conducted at this session in order to address specific matters, such as the dynamic "white list" or the difficulties Parties were facing to give full and complete effect to the provisions of the Convention, taking into account the need to align the proposed draft provisions with the requirements of the Convention.

6.5 Following discussion, the Sub-Committee invited:

- .1 the Maritime Safety Committee to agree with the inclusion of this work in the output on "Comprehensive review of the 1978 STCW Convention and Code", and to delete this output from the Sub-Committee's biennial agenda; and
- .2 interested Member States and international organizations to submit relevant proposals to a future session of the Sub-Committee.

Criteria for the determination of the appropriateness and effectiveness of STCW regulations I/7 and I/8

6.6 The Sub-Committee recalled that HTW 8 had noted that III 7 had requested MSC 105 to initiate a review of the appropriateness and effectiveness of the provisions identified for review, and refer the initial analysis of the criteria for the determination of the appropriateness and effectiveness to relevant sub-committees (III 7/17, paragraphs 7.27.1 and 17.4.7).

6.7 The Sub-Committee noted that, with regard to the outcome of the analysis of the four consolidated audit summary reports under the IMO Member State Audit Scheme (IMSAS), MSC 105 had initiated a review of the appropriateness and effectiveness of the identified provisions based on the analysis of the criteria for review of the requirements, and had referred it to the NCSR, III and HTW Sub-Committees (MSC 105/20, paragraph 13.10.3). It was also noted that MEPC 78 had concurred with the decisions of MSC 105 (MEPC 78/17, paragraph 10.8).

6.8 The Sub-Committee further noted that MSC 105 had decided to refer STCW regulations I/7 (Communication of information) and I/8 (Quality standards) to the HTW Sub-Committee for review/revision, taking into account the initial analysis conducted by III 7, as set out in appendix 5 to annex 4 to document III 7/17, which recommended considering the development of additional guidelines/guidance in relation to these provisions.

6.9 After consideration, the Sub-Committee agreed that the ongoing work and decisions made under this output were in line with the Committee's instruction emanating from the analysis conducted by the III Sub-Committee and that any additional work would also take account of any relevant information contained in appendix 5 to annex 4 to document III 7/17, as necessary, and to report this outcome to the Committee.

Non-exhaustive list of obligations and the auditable areas subject to IMSAS in relation to the STCW Convention and Code

6.10 The Sub-Committee noted that MSC 104 had instructed III 8 to review the items related to the STCW Convention and Code contained in the 2021 Non-exhaustive list of obligations under instruments relevant to the III Code, in order to clarify the purpose and scope of the IMSAS audit, in consultation with the HTW Sub-Committee (MSC 104/18, paragraph 13.6).

6.11 The Sub-Committee also noted that III 8 had considered the items related to the STCW Convention and Code contained in the 2021 Non-exhaustive list, taking into account document MSC 104/17/9 (China) and the discussion at MSC 104, as well as the mandatory requirements in the STCW Convention and Code, in order to clarify the purpose and scope of the IMSAS audit. After consideration, III 8 (III 8/19, paragraphs 11.8 and 19.5) had:

- .1 agreed that the purpose of the Non-exhaustive list of obligations was to support implementation of IMO Member State Audit Scheme (IMSAS) by providing guidance on the implementation and enforcement of the mandatory IMO instruments, in particular concerning the identification of auditable areas relevant to IMSAS, as provided in mandatory provisions of relevant IMO instruments;
- .2 agreed that, in light of paragraph 7.2.2 of part I of the annex to the *Framework and Procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)), the Non-exhaustive list of obligations should be limited to the areas subject to IMSAS in accordance with STCW regulation I/16, i.e. provisions provided in section A-I/16 of the Code; and
- .3 invited the HTW Sub-Committee to concur with the outcome of the discussion and submit comments to MSC 107 for its consideration and confirmation, as appropriate, in particular with respect to:
 - .1 the purpose of the Non-exhaustive list of obligations; and
 - .2 the auditable areas subject to IMSAS in relation to the STCW Convention and Code (i.e. provisions provided in section A-I/16 of the Code).

6.12 After consideration, the Sub-Committee concurred with the view of III 8 that, in line with the purpose of the Non-exhaustive list of obligations as a supporting tool for the implementation of IMSAS and its related requirements under the 1978 STCW Convention, the Non-exhaustive list of obligations should be limited to the areas subject to be audited in accordance with section A-I/16 of the STCW Code, and to report this outcome to the Committee.

7 COMPREHENSIVE REVIEW OF THE 1978 STCW CONVENTION AND CODE

General

7.1 The Sub-Committee recalled that HTW 6 had considered the need to conduct a comprehensive review of the STCW Convention and Code and had invited interested Member States and international organizations to submit a proposal for a new output to MSC, as appropriate (HTW 6/13, paragraphs 12.31 to 12.33).

7.2 The Sub-Committee noted that, having recognized the need for joint action with ILO to tackle bullying and harassment in the maritime sector, including sexual assault and sexual harassment (SASH), with the objective of ensuring a safe workplace for seafarers, as well as having considered a proposal for a new output and related documents, MSC 105 (MSC 105/20, paragraphs 16.18 and 18.13) had:

- .1 confirmed that the Joint ILO/IMO Tripartite Working Group (JTWG) should consider the development of training provisions addressing bullying and harassment in the maritime sector, including SASH, within its new terms of reference (MSC 105, paragraph 16.14.1);
- .2 agreed to include in the biennial agenda of the HTW Sub-Committee for 2022-2023 and the provisional agenda for HTW 9 an output on "Comprehensive review of the 1978 STCW Convention and Code", with a target completion year of 2026;
- .3 instructed the Sub-Committee to develop and finalize, as a matter of priority, STCW training provisions addressing bullying and harassment in the maritime sector, including SASH, as part of the new output on "Comprehensive review of the 1978 STCW Convention and Code", taking into account the work to be done in coordination with JTWG; and

- .4 instructed the Sub-Committee to start with a preliminary assessment of the scope of the work to be conducted, identifying specific areas to be reviewed, and preparing a road map for approval by the Committee before initiating the development of draft amendments.

7.3 The Sub-Committee also noted that MSC 105 instructed the Sub-Committee to consider ongoing areas of work in the context of the STCW Convention separately from the work on the comprehensive review, as proposed in document MSC 104/15/33.

STCW provisions on bullying and harassment in the maritime sector, including sexual assault and sexual harassment (SASH)

7.4 The Sub-Committee had for its consideration documents:

- .1 HTW 9/7/1 (United States), proposing mandatory training provisions in the STCW Code to address the prevention, awareness, bystander intervention, reporting and response to bullying and harassment including SASH under:
 - .1 tables A-II/1, A-II/3, A-III/1 and A-III/6, at the operational level;
 - .2 tables A-II/2 and A-III/2, at the management level; and
 - .3 table A-VI/1-4, for all seafarers;
- .2 HTW 9/7/5 (Republic of Korea), raising the necessity of introducing seafarers' human rights training including bullying and SASH prevention in the STCW Code, in particular in table A-VI/1-4; and
- .3 HTW 9/7/8 (Bahamas et al.), containing:
 - .1 proposed training provisions under the STCW Code, in particular table A-VI/1-4, addressing bullying and harassment in the maritime sector, including SASH, as a matter of priority;
 - .2 the outcome of a review of the standards regarding master and officers in the deck department in the context of psychological safety; and

- .3 an offer to carry out the revision of Model Course 1.21 on Personal Safety and Social Responsibility to address psychological safety, bullying and SASH in the maritime sector.

7.5 The Sub-Committee noted the offer of Dominica (HTW 9/7/8, paragraph 16.3), working with the experts of the COPE^o Working Group, and others who wished to participate, to carry out a revision of Model Course 1.21 on Personal Safety and Social Responsibility in accordance with the *Guidelines for the development, review and validation of model courses* (MSC-MEPC.2/Circ.15/Rev.2). In this connection, the Sub-Committee noted that the revision of Model Course 1.21 should only be completed once the Sub-Committee had agreed that the requirements on bullying and harassment, including SASH, had been established, which would set the foundation for this revision.

7.6 The Sub-Committee also noted the comments in several documents in relation to this matter, including document HTW 9/7/12 (ITF), and the fact that the decision by the Committee to prioritize this work might result in the preparation of relevant amendments to the STCW Code, and their entry into force before the comprehensive review was finalized, whilst consideration of other related matters could be undertaken during the process of the comprehensive review.

7.7 During the consideration of the above-mentioned documents, the following views were expressed:

- .1 all seafarers should be safe and secure in their working environment, taking into account that:
 - .1 bullying and harassment, including SASH, was not an issue which concerned only females, but a problem across all genders;
 - .2 nationality was a factor to be taken into account;
 - .3 cultural differences should be understood and recognized; and
 - .4 all seafarers should receive training on these matters, including on human rights;

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- .2 the inclusion of new competencies for all seafarers relating to bullying and harassment, including SASH, under table A-VI/1-4 of the STCW Code, should be prioritized at this session and would form the legal basis for a revision of Model Course 1.21. At a later stage during the comprehensive review of the STCW Convention and Code, other related matters could be addressed;
 - .3 careful consideration should be given to the use of terminology, which should be accurate and recognized in the context of human rights regulations, and new terms should not be created;
 - .4 ITF and ICS had published *Guidance on Eliminating Shipboard Harassment and Bullying*, which could serve as a basis for any training provisions to be included in the STCW Convention and Code;
 - .5 taking into account that short-term educational interventions might not be able to change attitude and behavior, consideration should be given, at a later stage, to the need for amending the ISM Code to require companies to address bullying and harassment, including SASH, under their Safety Management Systems, as well as other instruments such as the FAL Convention; and
 - .6 in order to have the amendments adopted at MSC 108 (May 2024), the amendments needed to be approved at MSC 107 (June 2023). Noting that JTWG, which was scheduled to be held at the end of 2023, was planned to consider this matter, as instructed by MSC 105. In this connection, MSC 107 should be requested to authorize JTWG to send their comments directly to MSC 108. Another option would be to have the comments of JTWG considered at HTW 10 (February 2024), after which HTW 10 would report to MSC 108.

7.8 The Sub-Committee noted a statement by the delegation of ITF, the full text of which is set out in annex [...].

7.9 The Sub-Committee also noted information provided orally by the Secretariat in relation to the work of JTWG on bullying and harassment, including SASH (see paragraph 4.10).

7.10 Following consideration, the Sub-Committee referred documents HTW 9/7/1, HTW 9/7/5 and HTW 9/7/8 to the working group to be established, for comments and advice, taking into account document HTW 9/7/12 in order to prepare relevant draft amendments to the STCW Code, section A-VI/1.

Preliminary assessment of the scope of the work to be conducted, identifying specific areas to be reviewed, and preparation of a road map

7.11 The Sub-Committee had for its consideration documents:

- .1 HTW 9/7/3 (United States), proposing overarching goals and principles to guide the comprehensive review of the STCW Convention and Code; a list of parameters to identify the areas to be revised; and to consider the lessons learned from previous reviews when establishing implementation dates;
- .2 HTW 9/7/4 (Australia et al.), providing aims and principles for the comprehensive review and revision of the STCW Convention and Code, a preliminary assessment of the scope of the work to be conducted, identifying some specific areas to be reviewed, and raising considerations to be taken into account in the preparation and approval of a road map;
- .3 HTW 9/7 (ICS), providing a proposal for aims and principles of the comprehensive review and revision of the STCW Convention and Code, as well as some issues to be considered when developing a road map;
- .4 HTW 9/7/6 (ICS), providing some non-exhaustive and indicative high-level areas identified for the comprehensive review of the STCW Convention and Code, with the aim to assist the Sub-Committee with determining how to define the scope of work, a methodology and road map;
- .5 HTW 9/7/14 (ICS and ITF), providing comments on document HTW 9/7 and, in particular, information on the ongoing work of the Maritime Just Transition Task Force, led by United Nations Global Compact, proposing that MSC work in synergy with MEPC, in the context of the latter's ongoing work on a Revised GHG Reduction Strategy, noting that this strategy could have an impact on seafarers' training and skills needed to support shipping's decarbonization;

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- .6 HTW 9/7/7 (India), proposing principles for conducting the comprehensive review of the STCW Convention and Code, and identifying issues to be included in the review;
 - .7 HTW 9/7/9 (China), providing a road map for the comprehensive review of the STCW Convention and Code;
 - .8 HTW 9/7/10 (China), providing suggestions regarding the principles and specific areas for the comprehensive review of the STCW Convention and Code;
 - .9 HTW 9/7/12 (ITF), providing comments on documents HTW 9/7, HTW 9/7/1 and HTW 9/7/3, proposing that a road map with aims and principles be developed, and that a mechanism to amend the STCW Convention and Code on a continuous basis be considered, as necessary;
 - .10 HTW 9/7/13 (Japan), providing comments on documents HTW 9/7 and HTW 9/7/3 with regard to the initial action to be taken by the Sub-Committee on the comprehensive review of the STCW Convention and Code, and suggesting prioritizing:
 - .1 the preparation and finalization of provisions for seafarers relevant to alternative fuels and related technologies; and maritime autonomous surface ships (MASS); and
 - .2 the identification of weak areas in the Convention and Code that needed to be addressed.

7.12 During the ensuing discussion, the Sub-Committee noted the following views:

- .1 the priority at this session should be to prepare aims and principles and a preliminary assessment of the scope of the work to be conducted, identifying specific areas to be reviewed, noting that the development of a road map could be deferred to an intersessional correspondence group, the terms of reference for which could be prepared by the Working Group;

- .2 this work should follow a two-phase approach, consisting of a structured comprehensive review of the STCW Convention and Code and the preparation of proposals for revision, as necessary, to address the issues identified during the comprehensive review;
- .3 a comprehensive review of the entire Convention should be conducted; the structure of the Convention should be preserved, as in its previous review; the current provisions and standards should not be downgraded; and administrative burdens for Administrations and training institutions should be avoided;
- .4 whilst some delegations opposed revising and amending articles of the Convention due to the application of the explicit acceptance procedure, the severe delay this would cause in the implementation of the revised Convention and the need to identify the need for these amendments; other delegations highlighted the need to address existing ambiguities and update some provisions in the articles to avoid implementation problems for administrations and the industry;
- .5 whilst some delegations were of the view that consideration of MASS, and alternative fuels and related technologies in the review would be premature, given the early stages of work in other IMO bodies; other delegations highlighted that the Convention and Code should enable seafarers to be qualified for service on ships using new technologies especially in the environmental field, which entailed to keep relevant developments in mind as part of the comprehensive review;
- .6 provisions on Dynamic Positioning (or DP) operator certification should not be moved from part B (V/f) to part A of the STCW Code; and
- .7 there was a need to learn from previous mistakes during reviews of the Convention, in particular the problems related to implementation following the last review.

7.13 Subsequently, having agreed that:

- .1 the priority at this session would be to prepare aims and principles and a preliminary assessment of the scope of the work to be conducted, identifying specific areas to be reviewed; and
- .2 input from Member States and international organizations on lessons learned from previous reviews of the Convention in terms of implementation would be useful,

the Sub-Committee referred documents HTW 9/7, HTW 9/7/3, HTW 9/7/4, HTW 9/7/6, HTW 9/7/7, HTW 9/7/9, HTW 9/7/10, HTW 9/7/12, HTW 9/7/13 and HTW 9/7/14 to the working group to be established.

Proposed amendments

7.14 The Sub-Committee noted:

- .1 the proposals by Georgia and Iceland (HTW 9/7/2) to amend and update the methods for demonstrating competence:
 - .1 for the basic training in fire prevention and fire fighting set out in table A-VI/1-2 of the STCW Code; and
 - .2 for the training in proficiency in survival craft and rescue boats other than fast rescue boats set out in table A-VI/2-1 of the STCW Code;
- .2 the proposals by IMSO (HTW 9/7/11) to amend section A-IV/2 of the STCW Code concerning gender-neutral language and section B-IV/2 on guidance regarding training and certification of GMDSS radio operators, as a result of the GMDSS modernization; and
- .3 the information provided by the Republic of Korea in document HTW 9/INF.6 on the necessity of the rationalization and convergence of the existing and new competencies towards developing relevant provisions relating to the operational personnel of MASS.

7.15 Having noted that, based on the priorities established by the Committee, it was not possible to undertake work on the proposed amendments in documents HTW 9/7/2 and HTW 9/7/11 at this session, the Sub-Committee referred these documents and document HTW 9/INF.6 to the working group to be established, in order to take them into account when undertaking the preliminary assessment of the scope of the work to be conducted.

Establishment of the Working Group on the Comprehensive Review of the 1978 STCW Convention and Code

7.16 The Sub-Committee established the Working Group on the Comprehensive Review of the 1978 STCW Convention and Code, chaired by Captain Zheng Yi (Singapore), and instructed it, taking into account the comments made and decisions taken in plenary, to:

- .1 as a matter of priority:
 - .1 consider STCW training provisions on bullying and harassment in the maritime sector, including Sexual Assault and Sexual Harassment (SASH), taking into account documents HTW 9/7/1, HTW 9/7/5, HTW 9/7/8 and HTW 9/7/12, and prepare relevant draft amendments to the STCW Code, section A-VI/1, as appropriate, and consider how to proceed with the workflow to approve and adopt the draft amendments, taking into account the work of JTWG and the role of the Sub-Committee with a view to advising MSC 107;
 - .2 advise the Sub-Committee, in particular on the consideration of matters such as psychological safety or other related matters during the comprehensive review; and
 - .3 if time permits, prepare draft terms of reference in accordance with the template set out in annex 3 to document HTW 4/3 for the revision of Model Course 1.21 on Personal Safety and Social Responsibilities;
- .2 taking into account documents HTW 9/7, HTW 9/7/3, HTW 9/7/6, HTW 9/7/7, HTW 9/7/9, HTW 9/7/10, HTW 9/7/12, HTW 9/7/13 and HTW 9/7/14, as well as documents HTW 9/7/2, HTW 9/7/11 and HTW 9/INF.6:

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- .1 undertake a preliminary assessment of the scope of the work to be conducted;
 - .2 prepare aims and principles for the comprehensive review of the STCW Convention and Code; and
 - .3 preliminarily identify specific areas to be reviewed,

based on document HTW 9/7/4, with a view to approval by the Committee; and

- .3 consider the necessity to establish a correspondence group and if so, prepare draft terms of reference for consideration and approval by the Sub-Committee.

Report of the Working Group

7.17 Having considered the report of the Working Group (HTW 9/WP.9), the Sub-Committee approved it in general and took action as outlined in the ensuing paragraphs.

[to be prepared by the Secretariat in consultation with the Chair after the session, based on the Group's report and the actions requested therein, taking into account the decisions taken by the Sub-Committee during subsequent discussions]

8 COMPREHENSIVE REVIEW OF THE 1995 STCW-F CONVENTION

General

8.1 The Sub-Committee recalled that HTW 8:

- .1 had not finalized the work on the Comprehensive Review of the 1995 STCW-F Convention, noting in particular that further consideration of the consequential modifications emanating from the GMDSS modernization was needed, and invited interested Member States and international organizations to submit documents on section B-II/6 (Guidance regarding training and certification of GMDSS radio operators on board fishing vessels) of the draft new STCW-F Code to this session (HTW 8/16, paragraphs 8.29 and 8.30);

- .2 had noted the intervention by the delegation of France, supported by the delegations of Germany, Morocco and the observer from ITF, emphasizing that, since the work on the comprehensive review had not been completed at that session, there should be room at HTW 9 to consider other outstanding matters such as the lack of provisions on rest periods or the fact that, as opposed to the 1978 STCW Convention, there was no chapter IV (Watchkeeping) developed under the draft new STCW-F Code, although it had been referred to in the tables of the draft new Code, notwithstanding that this output should be completed at HTW 9 (HTW 8/16, paragraph 8.35);
- .3 had been unable to prepare the draft MSC resolution on guidance on training of skippers, officers and engineer officers on how to prepare and respond against piracy and armed robbery, and invited interested Member States and international organizations to submit documents on the draft resolution to HTW 9 (HTW 8/16, paragraph 8.32);
- .4 due to time constraints had been unable to prepare draft guidelines on the medical examination of fishing vessel personnel, and instructed a correspondence group to prepare those draft guidelines (HTW 8/16, paragraph 8.36);
- .5 had endorsed the work plan for the completion of the comprehensive review of the 1995 STCW-F Convention, with a view to finalizing it at this session (HTW 8/16, paragraph 8.34 and annex 6); and
- .6 had re-established the correspondence group, with terms of reference set out in paragraph 8.37 of document HTW 8/16, and had instructed it to submit a report to this session (HTW 8/16, paragraph 8.37).

8.2 The Sub-Committee also recalled that it was necessary to finalize the comprehensive review of the 1995 STCW-F Convention, taking into account the ongoing efforts to ensure the entry into force of the Cape Town Agreement of 2012 in the near future, and the consequent relevance of finalizing this output in a timely manner.

Report of the Correspondence Group and related documents

Report of the Correspondence Group

8.3 The Sub-Committee considered document HTW 9/8 (Japan), providing the report of the Correspondence Group on the Comprehensive Review of the 1995 STCW-F Convention, containing:

- .1 the draft guidelines on the medical examination of fishing vessel personnel, with remaining issues in square brackets, for further consideration at this session (annex 1);
- .2 draft section B-I/12 of the draft new Code (Guidance regarding medical standards), with remaining issues in square brackets, for finalization at this session (annex 2); and
- .3 an invitation for the Sub-Committee to develop draft consequential modifications to the STCW-F Convention and the draft new Code emanating from the GMDSS modernization.

Draft guidelines on the medical examination of fishing vessel personnel

8.4 The Sub-Committee recalled that:

- .1 ILO and IMO had agreed on the establishment of a joint ILO/IMO Working Group to develop joint ILO/IMO guidelines on the medical examination of fishing vessel personnel, and that a meeting of this Working Group had been scheduled to take place in the first quarter of 2024; and
- .2 due to time constraints, HTW 8 could only have a brief discussion on how best to proceed with the development of those draft guidelines, and instructed the Correspondence Group to prepare them (HTW 8/WP.6, paragraphs 5.1 and 5.2).

8.5 Following consideration of the draft guidelines set out in document HTW 9/8, annex 1, the Sub-Committee agreed to refer them to the working group to be established, for further consideration and finalization, with a view to referring them to the joint ILO/IMO Working Group for completion and subsequent submission to MSC 108 for approval.

Revision of the STCW-F Convention and the development of the draft new Code*Consequential modifications emanating from the GMDSS modernization*

8.6 In considering document HTW 9/8, in particular paragraphs 11 and 12.4, regarding the instruction to further develop draft consequential modifications to the STCW-F Convention and the draft new Code emanating from the GMDSS modernization, the Sub-Committee noted that it had not been considered by the Correspondence Group due to time constraints.

8.7 Having noted the lack of proposals submitted to this session to address the above-mentioned consequential modifications, the Sub-Committee noted that these had been provided by the Secretariat in annexes 1 and 2 to document HTW 9/WP.7, and agreed to refer them to the working group to be established, for consideration.

Draft section B-I/12 of the draft new STCW-F Code

8.8 The Sub-Committee considered draft section B-I/12 of the draft new Code (Guidance regarding medical standards) (HTW 9/8, annex 2) and, following consideration, referred the matter to the Working Group to be established, for further consideration and finalization.

Proposed editorial improvements and addressing inconsistencies

8.9 The Sub-Committee considered document HTW 9/8/1 (Islamic Republic of Iran), providing comments and proposed amendments to the draft revised STCW-F Convention and draft new Code set out in annexes 1 and 2 to document HTW 8/WP.6, for editorial improvement and to address inconsistencies identified therein.

8.10 Following consideration, the Sub-Committee referred document HTW 9/8/1 to the working group to be established, for further consideration.

Use of the term "fisher"

8.11 The Sub-Committee considered document HTW 9/8/2 (Iceland et al.), proposing the replacement of the term "fishing vessel personnel" with "fisher" in the draft revised STCW-F Convention and draft new Code in order to align it with the ILO Work in Fishing Convention, 2007 (No.188) and to improve readability, taking into account that the definitions of these terms were identical in both instruments.

8.12 During its consideration, the Sub-Committee noted concerns about the replacement of the term "fishing vessel personnel" with "fisher", which might cause considerable legal and procedural issues, including at national level, as well as the need to apply the explicit acceptance procedure for the amendments related to the articles of the Convention.

8.13 In this connection, the Sub-Committee also noted the information provided by the Director, Legal Affairs and External Relations Division, regarding the applicability of the law of treaties to the proposal to interchange "fishers" with "fishing vessel personnel" in the title, articles and annex to the STCW-F Convention. The Sub-Committee agreed to the proposal that the Secretariat would submit a document with research, analysis and options, to include consultations with the Treaty Section of the UN Office of Legal Affairs, to MSC 107 for consideration and action by the Committee.

8.14 The Sub-Committee further noted the following views expressed:

- .1 changing the term might cause a significant administrative burden to Administrations in terms of changes in legislation, publications, websites, etc.;
- .2 by changing the term consistently into "fisher", there would also be a need to change the title of the Convention;
- .3 the alignment of the term would require comprehensive work and hamper the finalization of this output;
- .4 the use of terminology in different instruments should be subject to their object and a proper study on this matter needed to be conducted before making any decision; and
- .5 a pragmatic decision on this matter needed to be taken, bearing in mind the benefits of harmonizing terminology and the close cooperation with ILO regarding the fishing sector.

8.15 Having generally supported the need for the legal advice to be presented by the Secretariat to MSC 107, the Sub-Committee agreed to defer further consideration to that session of the Committee in order to make a better-informed decision.

Refrigerator engineers and requirements for engineer officers on fishing vessels powered by main propulsion machinery of less than 750 kW

8.16 The Sub-Committee considered documents:

- .1 HTW 9/8/3 (Russian Federation), proposing amendments to the STCW-F Convention to introduce mandatory minimum requirements for refrigerator engineers of fishing vessels; and
- .2 HTW 9/8/4 (Russian Federation), proposing a draft new regulation II/5-3 to the STCW-F Convention on mandatory minimum requirements for certification of engineer officers on fishing vessels powered by main propulsion machinery of less than 750 kW propulsion power.

8.17 During the ensuing discussion, the following views were expressed:

- .1 appropriate standards of competence for refrigeration equipment had already been included in those for engineer officers;
- .2 the introduction of new requirements for certification of engineer officers on fishing vessels powered by main propulsion machinery of less than 750 kW propulsion power might collide with the national legislation developed by each Administration;
- .3 development of the proposed requirements would cause an inconsistency with the STCW Convention and impact the interchangeability of certificates;
- .4 the proposals contained new issues which would delay the finalization of this output and at this late stage there was no justification to consider these new provisions; and
- .5 the proposals could be considered under a new output, as appropriate, after the completion of this comprehensive review.

8.18 Following discussion, the Sub-Committee did not agree with the proposals and did not take any further action.

Establishment of the Working Group on the Comprehensive Review of the 1995 STCW-F Convention

8.19 The Sub-Committee noted that, in order to facilitate consideration of this item, the Secretariat had prepared document HTW 9/WP.7 to consolidate the outcome of HTW 8 with all the proposals submitted to this session.

8.20 The Sub-Committee established the Working Group on the Comprehensive Review of the 1995 STCW-F Convention, chaired by Mr. Ari Gudmundsson (Pew), and instructed it, taking into account the comments made and decisions taken in plenary, to:

- .1 consider and finalize the revision of the STCW-F Convention and the draft new Code, including any consequential amendments emanating from the GMDSS modernization, based on annexes 1 and 2 to document HTW 9/WP.7, respectively, taking into account documents HTW 9/8 and HTW 9/8/1; and
- .2 consider and finalize the draft guidelines on the medical examination of fishing vessel personnel, based on annex 3 to document HTW 9/WP.7 as the base document, with a view to referring them to the joint ILO/IMO Working Group.

Report of the Working Group

8.21 Having considered the report of the Working Group (HTW 9/WP.8), the Sub-Committee approved it in general and took action as outlined in the ensuing paragraphs.

[to be prepared by the Secretariat in consultation with the Chair after the session, based on the Group's report and the actions requested therein, taking into account the decisions taken by the Sub-Committee during subsequent discussions]

Completion of this output

8.22 Noting that the work on this output had been completed, the Sub-Committee invited the Committee to delete it from its biennial agenda (paragraph 12.1.1).

9 DEVELOPMENT OF MEASURES TO ENSURE QUALITY OF ONBOARD TRAINING AS PART OF THE MANDATORY SEAGOING SERVICE REQUIRED BY THE STCW CONVENTION

General

9.1 The Sub-Committee recalled that, following consideration, HTW 8 had established the Correspondence Group on Maritime Training, under the coordination of the Russian Federation, and instructed it, taking into account the comments made and decisions taken at that session, as well as documents HTW 7/10/1 and HTW 7/10/2 (HTW 8/16, paragraph 10.6), to:

- .1 prepare a work plan to develop measures regarding the assurance of quality of onboard training required by the STCW Convention, including identification of expected goals, effectiveness and consequences of any measures to be adopted; and
- .2 consider the proposals for the development of non-mandatory provisions relating to the quality of onboard training, as set out in documents HTW 7/10/1 and HTW 7/10/2, and advise the Sub-Committee, accordingly.

Report of the Correspondence Group and related documents

9.2 The Sub-Committee had for its consideration documents:

- .1 HTW 9/9 (Russian Federation), providing in paragraphs 6 to 20 the relevant part of the report of the Correspondence Group on Maritime Training, discussing general goals and possible measures on the assurance of quality of onboard training required by the STCW Convention, as well as the effectiveness and possible consequences of the measures proposed by the Correspondence Group. A draft work plan was provided in the annex to the document;
- .2 HTW 9/9/1 (Islamic Republic of Iran), proposing amendments to section B-III/1 of the STCW Code in order to provide guidance regarding the onboard training with a view to enhancing its quality and addressing the inconsistency between section A-III/1, paragraph 2.1 and section B-III/1 of the STCW Code; and

- .3 HTW 9/9/2 (Islamic Republic of Iran), proposing amendments to section B-III/6 of the STCW Code in order to provide guidance regarding the onboard training with a view to enhancing its quality and consistency with sections B-II/1 and B-V/1 of the STCW Code.

9.3 During the ensuing discussion, the following views were expressed:

- .1 the Correspondence Group had not managed to complete its tasks in accordance with its terms of reference and further work was required;
- .2 the report of the Correspondence Group contained valid views expressed by the participants, which, together with the documents submitted on this output, could be taken into account during the continuation of this work;
- .3 the STCW Code or any related provisions should clearly address the flexibility needed to implement measures to ensure the quality of onboard training; and
- .4 continuation of this work should take place within the framework of the output on the comprehensive review of the STCW Convention and Code.

Completion of this output

9.4 Following discussion, the Sub-Committee:

- .1 invited the Maritime Safety Committee to agree with the inclusion of this work in the output on "Comprehensive review of the 1978 STCW Convention and Code", and to delete this output from the Sub-Committee's biennial agenda;
- .2 agreed that consideration of this matter in future should include all documents submitted under this agenda item, i.e. HTW 7/10 (Georgia et al.), HTW 7/10/1 (Georgia et al.), HTW 7/10/2 (Japan), HTW 9/9/1 (Islamic Republic of Iran) and HTW 9/9/2 (Islamic Republic of Iran); and
- .3 invited interested Member States and international organizations to submit relevant proposals to a future session of the Sub-Committee.

10 DEVELOPMENT OF MEASURES TO FACILITATE MANDATORY SEAGOING SERVICE REQUIRED UNDER THE STCW CONVENTION

General

10.1 The Sub-Committee recalled that, in order to identify the difficulties faced by Member States to implement STCW mandatory seagoing service provisions, HTW 8 had instructed the Correspondence Group on Maritime Training to collate the following information, taking into account the comments made and decisions taken at that session, as well as documents HTW 7/11 and HTW 7/11/1 (HTW 8/16, paragraph 11.6):

- .1 actual practices for satisfying the mandatory seagoing service requirements; and
- .2 problems in relation to the identified practices and possible solutions, classified as short- and long-term measures.

Report of the Correspondence Group and related document

10.2 The Sub-Committee had for its consideration documents:

- .1 HTW 9/9 (Russian Federation), providing in paragraphs 21 to 29 the relevant part of the report of the Correspondence Group on Maritime Training, which considered general goals and possible measures to facilitate mandatory seagoing service provisions required by the STCW Convention, as well as possible consequences of these measures; and
- .2 HTW 9/10 (India), providing information and suggestions for the development of measures to facilitate and rationalize mandatory seagoing service for the prospective officers in charge of a navigational or engineering watch, as well as electro-technical officers.

10.3 During the ensuing discussion, the following views were expressed:

- .1 the opportunities for seagoing service (or "training berths") should be considered side-by-side with the demand and actual availability on board ships;
- .2 facilitation of mandatory seagoing service was a flag State responsibility and any measures adopted should provide flexibility;

- .3 a general mandatory requirement for a minimum number of candidates for certification on board ships would not be feasible and would have manning implications, which should not be addressed in the context of the STCW Convention;
- .4 setting equivalent arrangements for the seagoing service by (full-mission) simulator training should be carefully considered in the light of the availability and state of advanced technologies; taking into account the importance of the experience on board a ship, including familiarization with systems, equipment, watchkeeping, real environment, severe weather conditions and other circumstances and conditions;
- .5 the reasons behind the shortage of seafarers should be determined, which might be linked with the decrease in the number of young people who might join the seafaring profession, and several countries were implementing programmes at national level to promote the profession; and
- .6 further work was still necessary, which could take place within the framework of the output on the comprehensive review of the STCW Convention and Code.

Completion of this output

10.4 Following discussion, the Sub-Committee:

- .1 invited the Maritime Safety Committee to agree with the inclusion of this work in the output on "Comprehensive review of the 1978 STCW Convention and Code", and to delete this output from the Sub-Committee's biennial agenda;
- .2 encouraged Member States to adopt policies to promote and facilitate access to mandatory seagoing service for the certification of seafarers in accordance with the STCW Convention; and
- .3 invited interested Member States and international organizations to submit relevant proposals to a future session of the Sub-Committee.

11 DEVELOPMENT OF TRAINING PROVISIONS FOR SEAFARERS RELATED TO THE BWM CONVENTION

General

11.1 The Sub-Committee recalled that HTW 8, having noted the differing views expressed at that session, the need for a unified approach for the preparation of amendments to the STCW Code, and the fact that an output on the comprehensive review of the STCW Convention had not yet been agreed, had invited interested Member States and international organizations to submit relevant proposals to this session, with a view to finalizing the work on this output, taking into account the comments made at that session, as well as documents HTW 7/12 (China and ICS) and HTW 7/12/1 (Japan) (HTW 8/16, paragraph 12.4).

Completion of this output

11.2 In this connection, having noted the lack of documents submitted to this session, the Sub-Committee agreed that relevant amendments to the STCW Convention dealing with ballast water management should be developed as part of the comprehensive review of the Convention, and invited the Marine Environment Protection Committee to agree:

- .1 with the inclusion of this work in the output on "Comprehensive review of the 1978 STCW Convention and Code"; and
- .2 to delete this output from its biennial agenda, once it had been incorporated in the work plan for the "Comprehensive review of the 1978 STCW Convention and Code".

12 BIENNIAL STATUS REPORT AND PROVISIONAL AGENDA FOR HTW 10

Biennial status report for the 2022-2023 biennium

12.1 Taking into account the progress made at this session, the Sub-Committee prepared its biennial status report for the 2022-2023 biennium (HTW 9/WP.2, annex 1), as set out in annex [...], for consideration by MSC 107. In this context, it was noted that, at this session:

- .1 the work on output 6.12 (Comprehensive review of the 1995 STCW-F Convention) had been completed; and
- .2 work on continuous output 1.32 (Implementation of the STCW Convention), as well as outputs 6.5 (Development of measures to facilitate mandatory

seagoing service required under the STCW Convention), 6.6 (Development of measures to ensure quality of onboard training as part of the mandatory seagoing service required by the STCW Convention) and 6.11 (Development of training provisions for seafarers related to the BWM Convention) had been proposed for inclusion in output 6.17 on Comprehensive review of the 1978 STCW Convention and Code.

Proposed biennial agenda for the 2024-2025 biennium

12.2 Taking into account the progress made at this session, the Sub-Committee prepared its proposed biennial agenda for the 2024-2025 biennium (HTW 9/WP.2, annex 2), as set out in annex [...], for approval by MSC 107.

Proposed provisional agenda for HTW 10

12.3 Taking into account the progress made at this session, the Sub-Committee prepared the proposed provisional agenda for HTW 10 (HTW 9/WP.2, annex 3), as set out in annex [...], for approval by MSC 107.

Arrangements for working and drafting groups during the next session

12.4 The Sub-Committee agreed to establish at its next session working and drafting groups on subjects to be selected from the following:

[to be completed by the Secretariat after the session]

Correspondence groups established at this session

12.5 The Sub-Committee established correspondence groups on the following subjects, due to report to HTW 10:

[to be completed by the Secretariat after the session]

12.6 The Sub-Committee recalled that, as agreed at HTW 7, in order to make as much progress as possible intersessionally, the coordinators of correspondence groups should have the flexibility to convene virtual meetings using a suitable platform in order to consider any of the terms of reference, as necessary.

Intersessional working group

12.7 The Sub-Committee invited MSC 107 to approve the establishment of an intersessional joint ILO/IMO working group on the Guidelines on the medical examination of fishing vessel personnel, tentatively scheduled to take place in the first quarter of 2024, to finalize the draft guidelines on the medical examination of fishing vessel personnel, subject to endorsement by C 129.

Date of the next session

12.8 The Sub-Committee noted that the tenth session of the Sub-Committee had been tentatively scheduled to take place from 5 to 9 February 2024.

13 ELECTION OF CHAIR AND VICE-CHAIR FOR 2024

13.1 In accordance with the Rules of Procedure of the Maritime Safety Committee, the Sub-Committee unanimously re-elected Mr. Haakon Storhaug (Norway) as Chair and Mr. Rafael Cigarruista (Panama) as Vice-Chair, both for 2024.

14 ANY OTHER BUSINESS

Draft guidelines on the use of electronic certificates of seafarers

14.1 The Sub-Committee recalled that HTW 8 had agreed to the draft guidelines on the use of electronic certificates of seafarers, and the associated draft MSC circular, as set out in annex 9 to document HTW 8/16, for submission to MSC 107 for approval, in conjunction with the adoption of the related amendments to the STCW Convention and Code (HTW 8/16, paragraph 9.10 and annex 9).

14.2 The Sub-Committee noted that:

- .1 MSC 106 had approved the draft amendments to STCW regulations I/1 and I/2, and related draft amendments to section A-I/2 of the STCW Code, and requested the Secretary-General to circulate them in accordance with article XII of the STCW Convention, with a view to adoption at MSC 107 (MSC 106/19, paragraphs 10.4 and 10.5);
- .2 in connection with the aforementioned amendments, MSC 106 had considered document MSC 106/10/2 (Cook Islands et al.), proposing modifications to the draft guidelines on the use of electronic certificates of

seafarers, which were expected to be considered at MSC 107 for approval, to clarify the responsibilities of the parties involved in cases of recognition of certificates (STCW regulation I/10), including the addition of a definition of the term "Administration"; and

- .3 following discussion and having agreed that the proposed modifications needed detailed consideration, MSC 106 had referred the draft guidelines, together with document MSC 106/10/2 and the comments made at that session, to this session of the Sub-Committee for further consideration and advice to MSC 107 (MSC 106/19, paragraphs 10.7 and 10.8; and HTW 9/2/2).

14.3 The Sub-Committee also noted that, in order to facilitate consideration of this matter, the Secretariat, in consultation with the Chair, had prepared document HTW 9/WP.6 containing background information, as well as the proposed modifications to the draft guidelines in document MSC 106/10/2, for ease of reference and consideration by the Sub-Committee.

14.4 Following consideration of this proposal, as set out in document HTW 9/WP.6, and having noted very little support for the amendments therein and the need to have the guidelines finalized when the related draft amendments to STCW regulations I/1 and I/2 were expected to be adopted at MSC 107, the Sub-Committee agreed to refer the draft guidelines to the Maritime Safety Committee as initially submitted to MSC 106 (HTW 8/16, annex 9).

14.5 In line with the decisions of MSC 106 (MSC 106/19, paragraph 10.9), the Sub-Committee referred the draft guidelines to FAL 47 to verify consistency with the *Guidelines on the use of electronic certificates* (FAL.5/Circ.39/Rev.2).

Carriage for use of HFO as fuel by ships in Arctic Waters

14.6 The Sub-Committee recalled that HTW 8 (HTW 8/16, paragraphs 15.2 to 15.5):

- .1 had been invited by PPR 8 to review section 7 (Familiarization, training and drills) of the draft guidelines on mitigation measures to reduce risks of use and carriage for use of heavy fuel oil (HFO) as fuel by ships in Arctic waters, with a view to advising PPR 9;

- .2 in considering the relevant sections of the draft guidelines, had noted the view expressed that section(s) contained duplicative provisions both in the context of the Polar Code and the STCW Code and could even go beyond the scope of the latter; and
- .3 subsequently had agreed to postpone consideration of the matter to HTW 9 and invited interested Member States and international organizations to submit relevant documents to this session, taking into account the comments made at that session.

14.7 Following consideration of this matter, and having noted the importance to finalize this work, the Sub-Committee referred relevant sections of the draft guidelines to the Working Group on the Implementation of the STCW Convention for further consideration and advice, taking into account the annex to document HTW 8/WP.3, in which the relevant provisions had been reproduced.

Establishment of the Working Group on the Implementation of the STCW Convention

14.8 The Sub-Committee established the Working Group on the Implementation of the STCW Convention, chaired by Mr. Luke Harden (United States), and instructed it, taking into account decisions taken and comments and proposals made in plenary, to review section 7 (Familiarization, training and drills) of the draft guidelines on mitigation measures to reduce risks of use and carriage for use of heavy fuel oil (HFO) as fuel by ships in Arctic waters, as set out in the annex to document HTW 8/WP.3, and advise the Sub-Committee accordingly, with a view to advising PPR 10.

Report of the Working Group

14.9 Having approved the report of the Working Group (HTW 9/WP.11) in general, the Sub-Committee took action as outlined in the ensuing paragraphs.

[to be prepared by the Secretariat in consultation with the Chair after the session, based on the Group's report and the actions requested therein, taking into account the decisions taken by the Sub-Committee during subsequent discussions]

Man overboard from fishing vessels

Background

14.10 The Sub-Committee noted that, with regard to the safety issues resulting in man overboard from fishing vessels, III 8 (III 8/19, paragraphs 4.26 and 4.27) had:

- .1 noted that the attitude within the fishing industry concerning personal flotation devices (PFDs) needed to be changed in order to increase the use of PFDs as essential for survival;
- .2 noted that modern technology allowed for better means to relocate a person falling overboard from fishing vessels and introduction of such technology for increasing the ability of survival could be considered; and
- .3 invited the NCSR, SSE and HTW Sub-Committees to note the analysis contained in annex 3 to document III 8/4 on the safety issues resulting in man overboard from fishing vessels in relation to the use of personal flotation devices (PFDs) and possible application of the existing technology such as Search and Rescue Transponders (SART), and take action as appropriate.

14.11 The Sub-Committee also noted that the only recommendation emanating from the analysis referred by III 8, which might be relevant to the Sub-Committee, stated "To make arrangements to rapidly introduce the compulsory wearing of personal flotation devices on the upper decks of all fishing vessels while at sea", which was a procedural matter to be addressed by companies and skippers of fishing vessels.

14.12 Following some discussion, the Sub-Committee noted the analysis contained in annex 3 to document III 8/4 and encouraged fishing vessel companies and skippers to ensure that fishing vessel personnel wear personal flotation devices on the upper decks of all fishing vessels while at sea.

Report on dispensations issued under article VIII of the STCW Convention

14.13 The Sub-Committee noted the information provided by the Secretariat in document HTW 9/INF.3, relating to the reports on dispensations granted from 2021 to 2022, which had been submitted by STCW Parties in accordance with article VIII of the Convention.

Experience with hybrid meetings

14.14 The Sub-Committee, as requested by the Council, noted the experience and views of delegations about the use of hybrid capabilities, as follows, with a view to report to the Council:

[More to come]

15 ACTION REQUESTED OF THE COMMITTEES

Consideration of the report of the Sub-Committee

15.1 The draft report of the session (HTW 9/WP.1/Rev.1) was prepared by the Secretariat for consideration and adoption by the Sub-Committee (see footnote on page 1).

15.2 In this context, during the meeting held on Friday, 10 February 2023, delegations were given an opportunity to provide comments on the draft report (HTW 9/WP.1), and those wishing to provide further editorial corrections and improvements, including finalizing individual statements, were given a deadline of Monday, 20 February 2023, 23.59 (UTC) to do so by correspondence, in accordance with paragraphs 4.37 and 4.38 of the Organization and method of work (MSC-MEPC.1/Circ.5/Rev.4) (see paragraph 1.6).

Action requested of the Committees

15.3 The Maritime Safety Committee, at its 107th session, is invited to:

[to be prepared by the Secretariat in consultation with the Chair after the meeting]

15.4 The Marine Environment Protection Committee, at its eightieth session, is invited to:

[to be prepared by the Secretariat in consultation with the Chair after the meeting]

ANNEXES

[to be prepared by the Secretariat after the session]