

HTW 4 - Report of Sub-Committee

Working Group 1 on Human Element Issues; (IFSMA Priority 1)

Working Groups 2 and 3(IFSMA Priority 2) on Training Matters; and

Drafting Groups 1 and 2 on Validation of Model Courses (Polar Training therefore IFSMA Priority 3)

1. Agenda item 1 - Adoption of the agenda
 - a. A good opening statement by the Sec Gen in support of Seafarers and highlighted the devastating effect that Fatigue has on safety at sea and that there needs to be better measures taken for mitigation and understanding of Fatigue. Maritime Accident Investigation Lessons Learned need to be better disseminated.
 - b. Chair raised the issue of Fatigue and that the Guidelines the Sub Committee is developing need to be Simple, Practical and Useable.

2. Agenda item 2 – Decisions of other IMO bodies
 - a. HTW 4/2 Secretariat - Outcome of NCSR 3, SSE 3, MEPC 69 and MSC 96
 - b. HTW 4/2/1* Secretariat - Outcome of MEPC 70 and MSC 97
 - i. Any issues raised at these Committees will be taken during the specific Agenda Items.

3. Agenda item 3 – Validated model training courses (5.2.2.3)
 - a. HTW 4/3 - Secretariat - Report on the model courses programme under the Revised guidelines for the development, review and validation of model courses (MSC-MEPC.2/Circ.15)
 - i. All Action Points required of the Sub-Committee were agreed.
 - ii. HTW 4/3/9 – China - Information on China's offer and confirmation of willingness to revise model course 1.08 on Radar navigation at management level.
 - iii. Nothing Significant to report.

- b. HTW 4/3/1, Add.1 and Add.2 - Secretariat - Report of the Review Group on the new draft Model courses on Basic and Advanced training for ships operating in Polar Waters.
 - i. UK and Norway pointed out that the Drafting Group need to be careful about making statements that the Baltic and other areas around the world may qualify for sea time experience for the Course.
 - ii. These Documents were forwarded to the DG consideration and validation.
- c. HTW 4/3/2 and Add.1 - Secretariat -Report of the Review Group on the new draft Model Course on Ratings as Able Seafarer Engine in a manned engine room or designated to perform duties in a periodically unmanned engine room, and
- d. HTW 4/3/3 and Add.1 – Secretariat - Report of the Review Group on the draft new Model Course on Ratings forming part of a watch in a manned engine room or designated to perform duties in a periodically unmanned engine room.
 - i. Nothing significant for IFSMA in these 2 documents.
 - ii. Referred to the Drafting Group for review and validation.
- e. HTW 4/3/4 and Add.1 - Secretariat - Report of the Review Group on the draft revised Model course 3.12 on assessment, examination and certification of Seafarers,
- f. HTW 4/3/5 and Add.1 - Secretariat - Report of the Review Group on the draft revised Model course 6.09 on training course for instructors, and
- g. HTW 4/3/6 and Add.1 - Secretariat - Report of the Review Group on the draft revised Model course 1.30 on on-board assessment
 - i. Very thorough piece of work in theory but who will do the on-board assessment in practice?
 - ii. INTERTANKO raised that the on-board Course should be reduced in time and also include assessment of the candidates performance and behaviour competences on-board, specifically their suitability for work on Tankers.
 - iii. These 3 Papers were referred to the Drafting Group for consideration and validation.
 - iv. Nothing Significant for IFSMA but this could be referred to during the 6 on 6 off Paper and the work of the Working Group – David Appleton attending WG on IFSMA behalf!
- h. HTW 4/3/7 and Add.1 - Secretariat - Report of the Review Group on the new

draft Model course 2.07 on Engine-room Simulation.

- i. Nothing Significant for IFSMA
- ii. Referred to the Drafting Group for consideration and validation.

i. HTW 4/3/8 and Add.1 – Secretariat - Report of the Review Group on the new draft Model course on Ratings as Able Seafarer Deck.

- i. Nothing Significant for IFSMA
- ii. Referred to the Drafting Group for consideration and validation.

j. **MSC 96/3/4** - Norway - Report of the Correspondence Group on the Development of Guidance on a Methodology for determining limitations for Operation in Ice.

i. Paper co sponsored by IFSMA

1. **Chair of Drafting Group 1(US) reported (WP.6.) that they had completed much of the work but they were not able to complete all the work on the Model Courses.**
2. Norway asked guidance from the Sub-committee as to whether Time Tables should be included in Model Courses or not.
3. The Chair stated that we already have some with Time Tables and some without. She stated that we should discuss this at the next meeting. There were no other points on the Report and it was therefore noted, validated, endorsed and agreed as appropriate.
4. **Chair of Drafting Group 2(IND) reported (WP.7.). Was able to complete 3 Model Courses. No significant points of note were raised. The Sub-Committee were invited to endorse the Report and approved the 3 Model Course completed at Annex 4 – 6.**
5. There were no comments on the report from the Delegations.
6. The Chair went through the points to validate and approve without dissent. There is a lot of work to do and she stated that there was too much for 2 Drafting Groups at the HTW 5 to complete and would discuss with the Secretariat as to how to proceed on this and asked Nations to volunteer their services to complete all the Model courses.

4. Agenda item 4 – Reports on unlawful practices associated with certificates of

competency (5.2.2.4)

- a. HTW 4/4* and Add - Secretariat - Reports of fraudulent certificates
 - i. Might be of interest to the Association – highlight this in next Newsletter
 - b. HTW 4/Inf.3 – Ukraine - Report on fraudulent certificates issued in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine
 - i. Political issue – Nothing for IFSMA unless it is referred to MSC for review.
5. Agenda item 5 – Guidance for the implementation of the 2010 Manila Amendments (5.2.2.1)
- a. HTW 4/5* - Secretariat - STCW-related information to be communicated through GISIS to reduce administrative burden
 - i. The development of a GISIS STCW module to include all relevant STCW information reporting requirements into one single STCW module – for National STCW Agencies and
 - b. HTW 4/5/3 – United States - proposal on how to best utilize the GISIS module on STCW to best capture and promulgate information (specimen certificates) required under article IV(1)(c) of the STCW Convention 1978, as amended
 - i. Nothing for IFSMA
 - ii. To be referred to the WG for detailed consideration
 - c. HTW 4/5/1* - Secretariat - Outcome of MSC 96 on the development of guidance relating to the provision of documentary evidence to PSCOs and other third-party inspection regimes

The Maritime Safety Committee, at its ninety-sixth session (MSC 96), considered document MSC 96/12/2 (United States and ICS) expanding on the above issue and revealing an inconsistency in the interpretation of the STCW Convention relating to the provision of documentary evidence to PSCOs and other third-party inspection regimes, and proposing that appropriate guidance be developed by the Organization to provide the necessary clarity. MSC instructed HTW 4 to consider document MSC 96/12/2 and provide instruction to III.

- d. MSC 96/12/2 - United States and ICS - Provision of STCW-related documentation to port State control officers and other third-party inspection regimes, and

- e. HTW 4/5/2 – United States and ICS - Guidance on the certificates and documentary evidence required under the STCW Convention, as amended, and provision of the documentation for verification of STCW documentation by PSCOs and other third-party inspection regimes.
- f. HTW 4/5/6 – China – Comments on the development of guidance relating to the provision of documentary evidence to PSCOs and other third-party inspection regimes
 - i. Of Interest to Shipmasters as involves inspection of Training Certificates – watching brief on this.
 - ii. Nothing significant to report from the interventions which generally supported the Papers with some minor issues to be taken into account, particularly for the development of one combined Circular for PSCOs.
 - iii. The Chair summed up by stating that the Papers should go to the WG for consideration and consider the existing Circulars on this issue or whether these need to be replaced by a new Circular for approval by the Sub-Committee. WG also to develop guidance for III on these Papers.
 - iv. Only one table to go forward to III and for approval back up to the Assembly
- g. HTW 4/5/5 – ICS and Cruise Lines International Association (CLIA) – Comments on issues identified during implementation of the 2010 Manila Amendments to the STCW Convention and Code, and
- h. HTW 4/5/7 – Bahamas – As above
 - i. The ICS Paper to be sent to the Working Group for consideration and identify preliminary Lessons Learned for consideration at HTW5. Both Papers to go to the Working Group for guidance and consideration by the Sub-Committee and the possible development of an STCW.7 Circular. Finally, develop a Table at the next session to give guidance to PSCOs on certification requirements and validity.
 - ii. Nothing of interest for IFSMA
- i. HTW 4/5/4 – United States - training requirement for ECDIS under the STCW Convention, 1978, as amended, that appears to have been misinterpreted and proposes the development of an STCW.7 circular to better define the term.

- j. HTW 4/5/8 – ICS – as above. In addition, the suggested amend in Para 6 ".5 should be - *familiarization of the onboard equipment*
 - i. The Papers to be referred to the Working Group for detailed consideration and provide guidance and a draft circular on ECDIS training.
 - 1. **WG 3 (WP.5) reported that the Draft Framework was included for endorsement and the other work was included in the Annex including the Draft MSC Circular. Draft text for Guidance and an MSC Circular for the III Sub-Committee was included and that work had started on Lessons Learned.**
 - 2. There were no comments of significance on the report and the work was noted, endorsed and agreed without dissent. Where necessary work would be referred to the MSC. The MSC STCW.7 Circular would be issued on Monday of next week and this was agreed by the Chair of MSC in a telecon between the MSC Chair and the Director Maritime early AM on 3 Feb, as it was a matter of urgency to get this Guidance out to Administrations. This decision would go to the MSC for endorsement. The Lessons Learned issue will be handled during HTW 5 under A.O.B with Delegations submitting Papers.
6. Agenda item 6 – Comprehensive review of the 1995 STCW-F Convention (5.4.1.1)
- a. HTW 4/6 – Japan – Proposed amendments to the 1995 STCW-F Convention, and
 - b. HTW 4/6/2 – China - Introduction of an alternative approach to classification of certificates of competency for fishing vessel officers
 - i. Spain and France violently opposed to these Papers and in particular having Gross Tonnage replace Length as it would have a significant effect on their large FV Fleets. Argued the Papers should not be considered further and not go to the Working Group. This was supported by ITF
 - ii. Most of other delegations were in favour of these Papers going to the Working Group for consideration.
 - iii. Chair summed up that HTW have been given a mandate to look at the Convention and therefore the Papers would go to the WG for consideration and on the comments that were made by Spain et al, in Plenary.
 - iv. Nothing significant for IFSMA

1. Chair of WG 2 (SING) (WP.4) drew the Sub-Committees attention to the point they used HTW 4/6 as the base document. The Sub-Committee was invited to note, decide and approve items as appropriate. She proposed that an Intersessional Correspondence Group be set up to continue the work over the next 18 months.
 2. Chair summed up and issues the Sub-Committee noted the relevant points and approved the setting up of a Correspondence Group. On the decision to decide that the FAO/ILO/IMO document for guidance on training and certification of fishing vessel personnel and FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels could be referenced in the main text of the proposed STCW-F Code (paragraph 4.10); The Chair stated that this could not be decided by the Sub-Committee and had to be referred to MSC.
- c. HTW 4/6/1 and 4/Inf.6 – New Zealand - Proposed amendments to the 1995 STCW-F Convention, and
 - d. HTW 4/6/3, 4/6/4 – China - Mandatory minimum requirements for certification of skippers on fishing vessels of 24 metres in length and over operating in unlimited waters, of chief engineer officers of fishing vessels powered by main propulsion machinery of 750 kW propulsion power or more
 - i. Nothing significant for IFSMA.
 - ii. Chair stated that these are very detailed Papers that should be forwarded to the WG. Agreed.
 - e. HTW 4/6/6 – China - Mandatory minimum requirements for certification of skippers on fishing vessels of 24 metres in length and over operating in unlimited waters, of chief engineer officers of fishing vessels powered by main propulsion machinery of 750 kW propulsion power or more, and
 - f. HTW 4/6/5 – Iceland - Iceland's comments on proposed amendments to the 1995 STCW-F Convention submitted by Japan, and
 - g. HTW 4/Inf.7 – Iceland – Certification of Fishing Vessel personnel-structure and requirements, and finally
 - h. HTW 4/6/7 – Food and Agriculture Organisation (FAO)
 - i. Iceland supports the Papers in general, but that current National regulations, policies and climate/marine environment of those Nations should be taken into account.
 - ii. Of interest to IFSMA because of vessel interaction. Sufficient views were stated by other delegations (Sweden, Aus, China, Russia etal), in

- particular the consideration of the need for effective communication in English by FVs with VTS, Administrations, SAR and other vessels etc.
- iii. Norway not in support of these Papers going to the WG for consideration.
 - iv. Chair stated that the Papers would go to the Working Group for discussion and consideration apart from 4/Inf.6 and Inf.7 which should be noted by the Sub-Committee.

7. Agenda item 7 – Role of the human element

a. HTW 4/7 - New Zealand et al, inc IFSMA - Manning and Seafarer Fatigue

- i. Introduced by New Zealand. Made a good case stating that the Master cannot comply with International Regulations of working hours and hours of rest and is unable to fulfil his duties required if part of a 6on-6off Watch-keeping system.
- ii. Netherlands understands the problem of Fatigue, but do not agree with the contents of the Paper as it would not be appropriate to exclude the 6on-6off system. Believes the Sub-Committee has no direction from MSC to look at this issue until such time as it is given clear instructions.
- iii. Malta agrees it should be discussed.
- iv. Bahamas against. Vanuatu violently against and rubbished the Paper.
- v. United States against stated that there would be a need for the MSC to amend the Manning Document 1047.
- vi. The Chair stated the Paper is outside of the Scope of the Sub-Committee and requires the approval of MSC for a new output. The Document should be only noted and go no further.
- vii. The way the discussion went it was not appropriate for IFSMA to intervene. It is a shame that the NI would not listen to IFSMA arguments that the Paper was not sufficiently thought through and the time was not right for it to go to HTW. IFSMA argued that the outcome we have now would do more damage as it would make it difficult for us to bring the subject to the Committee in the short to medium term.

b. MSC 96/9/2 - China and IMLA - Lessons learned from marine casualties

- i. The Sub-Committee will be invited, as instructed by MSC 96 (MSC 96/25, paragraph 9.17.2), to consider document MSC 96/9/2 (China and IMLA), together with relevant outcome of MSC 96 and III 3 (HTW 4/7), and any relevant proposals submitted by Member Governments and international organizations under this agenda item, and decide accordingly.
- ii. HTW 4/7/1, 7/2 and 7/3 – China - Proposal on facilitation of access to

marine casualty investigation reports and use of lessons learned therefrom by maritime lecturers and use of lessons learned from marine casualties and use in teaching practice in Seafarers' Training and Education by Administrations.

1. Delegations supported the principles of the Paper but could not see the role of HTW could play at this stage. III needs to complete their work for HTW to decide how to take this forward.
2. Nothing significant for IFSMA.

c. HTW 4/7/Inf.2 – Nautical Institute - Human Element Competencies Template

- i. Useful Information for IFSMA
- ii. Sub-Committee to note the information in the Paper

d. HTW 4/7/Inf.4 – IAMU - Quality of On-board Training (OBT)

- i. Disappointing reading particularly - Only 66% of respondents had professional contact with a Master/ Chief Engineer during their OBT time. However, it should be taken into consideration that as per STCW Code: *persons conducting in-service training or assessment on board a ship shall only do so when such training or assessment will not adversely affect the normal operation of the ship and they can dedicate their time and attention to training or assessment.*
- ii. Paper was noted by the Sub-Committee.

8. Agenda item 8 – Revision of the Guidelines on fatigue (5.4.1.2)

- a. HTW 4/8 - Australia - Report of the Correspondence Group on the Revision of the Guidelines on fatigue, and
- b. HTW 4/8/1 - ICS, CLIA and ITF - Proposal for a new "Module 7" to address "other stakeholders" in the revised Guidelines on Fatigue.
 - i. ITF stated that HTW 3 directed that Manning should be taken into account in developing the Guidelines on Fatigue as highlighted by the UK at HTW3 and that all the square brackets in the Paper need full discussion in the WG. There was also concern that the revised Guidelines should not increase the burden of admin work on-board ships.
 - ii. There were a number of delegations who opposed the proposed new "Module 7" by ICS etc.
 - iii. INTERTANKO and ICS argued that Module 7 was needed as many of the Stakeholders need to be coordinated by the Owner and the Master and needed to be understood if Fatigue was going to be treated holistically.

- iv. David Appleton will Represent IFSMA on this WG and I have asked him to be robust in his discussions and stand his ground to ensure that the necessary Codes are properly reflected and there is proper Guidance on the implementation of such Codes as MLC, Safe Manning, ISM etc.
- v. Chair stated that the information of 4/8/1 should be looked at as not a new Module but incorporated in other Modules. On 4/8 the Chair instructed that the WG should keep the Guidelines practical, useable and simple and should bear in mind the direction from HTW 3.

vi. On Fri, the Chair of the WG 1 introduced his Report WP.3. on the revisions of the Guidelines on Fatigue. IFSMA was represented by David Appleton whose brief report on the work of the WG is below. The WG was unable to complete its work and this will need to continue at HTW 5 and that the Sub-Committee to seek approval of the Committee to extend the deadline of the work until 2018.

1. France and others were very much of the view that ILO Instruments should be referred to and disagree that IMO regulations do not permit this. It is fundamental that ILO Instruments are included and this should be referred to the Committee for advice.

- a. Very strong Intervention by IFSMA in support of the French. Others Nations and ITF also supported this.
- b. The Director of Maritime Division stated that the above was correct within Mandatory Instruments, but in Guidelines the Instruments of other International Bodies can be referred to.
- c. Norway and the Cook Isles said that this is a dangerous precedent and we should not use Guidelines to acknowledge other bodies Instruments and that if it is referenced then the IMO needs to be very careful about this usage and ensure it is very context specific.

2. The Chair summed up by reiterating the guidance of the Director and that it is important that the right information goes into these Guidelines and therefore we report these discussions to the MSC and get a resolution from them for HTW 5. The Chair also said that she would seek approval to get a representative from the ILO at the next meeting to attend the WG on Fatigue.

3. This way ahead will give IFSMA an opportunity to comment in detail on the Draft Guidelines in time for HTW 5. **David Appleton and Sec Gen IFSMA to action.**

Report of Working Group 1 – David Appleton

The working group commenced on Monday evening with a brief discussion on the method of work before reconvening on Tuesday morning.

On Tuesday, opening discussions centred around the incorporation of paper 8/4/1 submitted by ICS, CLIA and ITF into the body of the main text. This paper is focused on measures for fatigue mitigation aimed at “other parties” and contains nothing contentious for IFSMA.

The Working group then proceeded to go through the draft guidelines line by line. In the time available the group was able to complete work on the introduction, module 1 and module 2.

Below is a summary of key interventions made by IFSMA during the course of the working group:

- Argued for the removal of the word “may” from the sentence in the opening paragraph; “Fatigue is a hazard because it may affect a seafarers ability to do their job effectively and safely” – Countered by CLIA and ICS – Unsuccessful.
- Suggested modification of paragraph 6 of module 1 to reference the blurred distinction between working time and recreation onboard which can add to stress and fatigue. After extensive discussion supported by the USA this was successful.
- Argued for retention of paragraph C24 stating that the body clock cannot be permanently reset to night work as humans are programmed to be active during the day and asleep at night – Successful.
- Argued strongly against ICS proposal to remove wording referring to seafarers excessive working hours on the basis that the quoted figures of 12 hours a day were not normal. After I pointed out that a 91/98 hour working week which equates to a 14-hour day was quite normal, it was agreed to keep the wording.
- There was an intense discussion on including the word “manning” in paragraph 17 of module 2. ICS/CLIA Liberia argued that the “company should provide adequate resources” as opposed to Manning on the basis that there were other resources that could be used to mitigate fatigue. I argued strongly that it needs to be explicitly stated within the paragraph that Manning is the primary factor in determining fatigue. If it is not, the guidance would not meet the objectives of being “simple, practicable, useable etc.” This was successful and the wording was included.

- There was a discussion regarding the referencing of ILO instruments in IMO guidance. France lodged a protest on the decision and this was later discussed in detail in plenary – see main report.
- The final discussion before time ran out was on Paragraph 29 of Module 2 which discusses the scientific evidence that excessive work hours contribute to fatigue and the associated performance and health related issues. The original paragraph referenced peer reviewed research that stated work over 60 hours per week is “excessive”. There was an intense debate and it was looking at one point as if this statement was going to be included supported by IFSMA, ITF, UK, Australia and others. However, industry argued that they could not accept this research as it is “only one paper” (flat earth society). It was looking likely that the reference to the paper would be included as a footnote – including the statement on 60 hours, but this was also felt to be inappropriate by the usual parties and, surprisingly, IMAREST – who proposed referencing the paper only. In the end two options were left in square brackets and will be discussed when the WG reconvenes.

Proposals have been invited on the way forward for HTW5 – liaise beforehand.

It may also be worth liaising with the delegation of Australia about the possibility of submitting the research on excessive work hours as an .Inf paper to counter any arguments from industry that they have not been able to consider the research. **David Appleton and Secretary General will continue to push this and will work with other Delegations, e.g. AUS, on the excessive hours.**

- c. HTW 4/8/Inf.5 – Republic of Korea - Report on the Seafarer's workload assessment – Nothing Significant here for IFSMA – interest only. Sub-Committee to note the contents.

9. Agenda item 9 – Draft Modernization Plan of the GMDSS (5.2.5.3)

- a. HTW4/9 – United States - Interim report of the correspondence group: Draft of the Modernization Plan
- b. HTW4/9/1* - Secretariat - Outcome of MSC 97 on the draft Modernization Plan of the GMDSS
 - i. The Sub-Committee was invited to consider any relevant proposals submitted by Member Governments and international organizations relating to the draft Modernization Plan of the GMDSS, and decide accordingly.
 - ii. Nothing significant to report

10. Agenda item 10 – Amendments to the IGF Code and development of guidelines for low-flashpoint fuels (5.2.1.2)
 - a. Nothing to report
11. Agenda item 11 – Revision of requirements for escape route signs and equipment location markings in SOLAS and related instruments (5.1.2.4)
 - a. Nothing to report
12. Agenda item 12 – Revised SOLAS regulation II-1/3-8 and associated guidelines (MSC.1/Circ.1175) and new guidelines for safe mooring operations for all ships (5.2.1.1)
 - a. Nothing to report
13. Agenda item 13 – Biennial status report and provisional agenda for HTW 5
 - a. HTW 4/WP.2 – Note by the Chair
 - b. Nothing to report and no comments from the floor on the Annex.
14. Agenda item 14 – Election of Chair and Vice-Chair for 2018

The current Chair Ms Meity Medina (USCG) was proposed by the UK to stand again. Seconded by AUS the Sub-Committee agree to fast track the process and she was unanimously re-elected.

The current Vice-Chair Ms Far Fadille (Singapore) was proposed by Sweden and seconded by the US Sub-Committee agree to fast track the process and she was unanimously re-elected.

15. Agenda item 15 – Any other business
 - a. HTW 4/15 - Secretariat - Dispensations issued under article VIII of the STCW Convention
 - b. HTW 4/15/1 - IMCA - Revision of IMCA M 117 on Guidelines on the training and experience of key DP personnel
 - i. Nothing to Report
16. Agenda item 16 – Report to the Maritime Safety Committee
 - a. Nothing significant to report