INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR FISHING VESSEL PERSONNEL, 1995

THE PARTIES TO THIS CONVENTION,

NOTING the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (hereinafter referred to as the "1978 STCW Convention"),

DESIRING to further promote safety of life and property at sea and the protection of the marine environment by establishing in common agreement international standards of training, certification and watchkeeping for personnel employed on board fishing vessels,

CONSIDERING that this end may be best achieved by the conclusion of an International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, hereinafter referred to as "the Convention",

HAVE AGREED as follows:

ARTICLE 1

General obligations

1 The Parties undertake to give effect to the provisions of the Convention and the Annex thereto, which shall constitute an integral part of the Convention. Every reference to the Convention constitutes at the same time a reference to the Annex thereto.

2 The Parties undertake to promulgate all laws, decrees, orders and regulations and to take all other steps which may be necessary to give the Convention full and complete effect, so as to ensure that, from the point of view of safety of life and property at sea and the protection of the marine environment, seagoing fishing vessel personnel are qualified and fit for their duties.

ARTICLE 2

Definitions

For the purpose of the Convention, unless expressly provided otherwise:

.1 "Party" means a State for which the Convention has entered into force.

.2 "Administration" means the Government of the Party whose flag the vessel is entitled to fly
"Certificate" means a valid document, by whatever name it may be known, issued or recognized in accordance with the provisions of the Convention, authorizing the holder to serve as stated in this document or as authorized by national regulations.

"Certificated" means properly holding a certificate.

"Organization" means the International Maritime Organization.

"Secretary-General" means the Secretary-General of the Organization.

"Fishing vessel" or "vessel" means any vessel used commercially for catching fish or other living resources of the sea.

"Seagoing fishing vessel" means a fishing vessel other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply.

ARTICLE 3

Application

The Convention shall apply to personnel serving on board seagoing fishing vessels entitled to fly the flag of a Party.

ARTICLE 4

Communication of information

Each Party shall communicate to the Secretary-General the following information:

1. a report on the measures it has taken to give full and complete effect to the provisions of the Convention, including a specimen of certificates issued in compliance with the Convention; and

2. other information which may be specified or provided for in regulation I/5.

ARTICLE 5

Other treaties and interpretation

1. All prior treaties, conventions and arrangements relating to standards of training, certification and watchkeeping for fishing vessel personnel in force between the Parties, shall continue to have full and complete effect during the terms thereof as regards:

1. fishing vessel personnel to whom this Convention does not apply; and

2. fishing vessel personnel to whom this Convention applies, in respect of matters for which it has not expressly provided.
To the extent, however, that such treaties, conventions or arrangements conflict with the provisions of the Convention, the Parties shall review their commitments under such treaties, conventions and arrangements with a view to ensuring that there is no conflict between these commitments and their obligations under the Convention.

All matters which are not expressly provided for in the Convention remain subject to the legislation of Parties.

**ARTICLE 6**

**Certification**

Fishing vessel personnel shall be certificated in accordance with the provisions of the Annex to this Convention.

**ARTICLE 7**

**National provisions**

1 Each Party shall establish processes and procedures for the impartial investigation of any reported incompetency, act or omission, that may pose a direct threat to safety of life or property at sea or to the marine environment, by the holders of certificates or endorsements issued by that Party in connection with their performance of duties related to their certificates and for the withdrawal, suspension and cancellation of such certificates for such cause and for the prevention of fraud.

2 Each Party shall prescribe penalties or disciplinary measures for cases in which the provisions of its national legislation giving effect to this Convention are not complied with in respect of vessels entitled to fly its flag or of fishing vessel personnel duly certificated by that Party.

3 In particular, such penalties or disciplinary measures shall be prescribed and enforced in cases in which:

1 an owner, owner's agent or skipper has engaged a person not holding a certificate as required by this Convention;

2 a skipper has allowed any function or service in any capacity required by these regulations to be performed by a person holding an appropriate certificate to be performed by a person not holding an appropriate certificate or dispensation; or

3 a person has obtained by fraud or forged documents an engagement to perform any function or serve in any capacity required by these regulations to be performed or filled by a person holding a certificate or dispensation.

4 A Party within whose jurisdiction there is based an owner or owner's agent or any person who is believed on clear grounds to have been responsible for, or to have knowledge of, any apparent non-compliance with the Convention specified in paragraph 3, shall extend all co-operation possible to any Party which advises it of its intention to initiate proceedings under its jurisdiction.
ARTICLE 8

Control

1 Fishing vessels, while in the port of another Party, are subject to control by officers duly authorized by that Party to verify that all persons serving on board who are required to be certificated by this Convention are so certificated or hold an appropriate dispensation.

2 In the event of failure to correct any deficiency referred to in paragraph 3 of regulation I/4 in so far as it poses a danger to persons, property or the environment, the Party carrying out the control shall take steps to ensure that the vessel will not sail unless and until these requirements are met to the extent that the danger has been removed. The facts concerning the action taken shall be reported promptly to the Secretary-General and to the Administration.

3 When exercising control:

.1 all possible efforts shall be made to avoid a vessel being unduly detained or delayed. If a vessel is unduly detained or delayed, it shall be entitled to compensation for any loss or damage resulting therefrom; and

.2 the discretion allowed in the case of the personnel of foreign fishing vessels shall not be less than that afforded to the personnel of vessels flying the flag of the port State.

4 This article shall be applied as may be necessary to ensure that no more favourable treatment is given to a vessel entitled to fly the flag of a non-Party than is given to a vessel entitled to fly the flag of a Party.

ARTICLE 9

Promotion of technical co-operation

1 Parties to the Convention shall promote, in consultation with and with the assistance of the Organization, support for those States which request technical assistance for the:

.1 training of administrative and technical personnel;

.2 establishment of institutions for training of fishing vessel personnel;

.3 supply of equipment and facilities for training institutions;

.4 development of adequate training programmes, including practical training on seagoing fishing vessels; and

.5 facilitation of other measures and arrangements to enhance the qualifications of fishing vessel personnel,

preferably on a national, sub-regional or regional basis, to further the aims and purposes of the Convention, taking into account the special needs of developing countries in this regard.

2 On its part, the Organization shall pursue the aforesaid efforts, as appropriate, in consultation or association with other international organizations, particularly the International Labour Organization and the Food and Agriculture Organization of the United Nations.
ARTICLE 10

Amendments

1 The Convention may be amended by either of the procedures specified in this article.

2 Amendments after consideration within the Organization:

.1 Any amendment proposed by a Party shall be submitted to the Secretary-General, who shall then circulate it to all Members of the Organization, to all the Parties and to the Director-General of the International Labour Office and of the Food and Agriculture Organization of the United Nations respectively, at least six months prior to its consideration.

.2 Any amendment proposed and circulated as above shall be referred to the Maritime Safety Committee of the Organization for consideration.

.3 Parties whether or not Members of the Organization shall be entitled to participate in the proceedings of the Maritime Safety Committee for the consideration and adoption of amendments.

.4 Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee, expanded as provided for in paragraph 2.3 (hereinafter referred to as "the expanded Maritime Safety Committee"), on condition that at least one-third of the Parties shall be present at the time of voting.

.5 Amendments adopted in accordance with paragraph 2.4 shall be communicated by the Secretary-General to all the Parties.

.6 An amendment to an article shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Parties.

.7 An amendment to the Annex or to an appendix to the Annex shall be deemed to have been accepted:

.7.1 at the end of two years from the date of adoption; or

.7.2 at the end of a different period, which shall not be less than one year, if so determined at the time of its adoption by a two-thirds majority of the Parties present and voting in the expanded Maritime Safety Committee.

If, within the specified period, more than one-third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.

.8 An amendment to an article shall enter into force, with respect to those Parties which have accepted it, six months after the date on which it is deemed to have been accepted, and with respect to each Party which accepts it after that date, six months after the date of that Party's acceptance.
.9 An amendment to the Annex and to an appendix to the Annex shall enter into force with respect to all Parties, except those which have objected to the amendment under paragraph 2.7 and which have not withdrawn such objections, six months after the date on which it is deemed to have been accepted. However, before the date set for entry into force any Party may give notice to the Secretary-General that it exempts itself from giving effect to that amendment for a period not longer than one year from the date of its entry into force, or for such longer period as may be determined by a two-thirds majority of the Parties present and voting in the expanded Maritime Safety Committee at the time of the adoption of the amendment.

3 Amendment by a Conference:

.1 Upon the request of a Party concurred with by at least one-third of the Parties, the Organization shall convene, in association or consultation with the Director-General of the International Labour Office and of the Food and Agriculture Organization of the United Nations respectively, a Conference of the Parties to consider amendments to the present Convention.

.2 Every amendment adopted by such a Conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General to all the Parties for acceptance.

.3 Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraphs 2.6 and 2.8 or 2.7 and 2.9 respectively, provided that references in those paragraphs to the expanded Maritime Safety Committee shall be taken to mean references to the Conference.

4 Any declaration of acceptance of, or objection to, an amendment or any notice given under paragraph 2.9 shall be submitted in writing to the Secretary-General, who shall inform all Parties of any such submission and the date of its receipt.

5 The Secretary-General shall inform all the Parties of any amendments which enter into force, together with the date on which each such amendment enters into force.

ARTICLE 11

Signature, ratification, acceptance, approval
and accession

1 The Convention shall remain open for signature at the Headquarters of the Organization from 1 January 1996 until 30 September 1996 and shall thereafter remain open for accession. States may become Parties to the Convention by:

.1 signature without reservation as to ratification, acceptance or approval, or

.2 signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

.3 accession.
2 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

ARTICLE 12

Entry into force

1 The Convention shall enter into force 12 months after the date on which not less than 15 States have either signed it without reservation as to ratification, acceptance, or approval, or have deposited the requisite instruments of ratification, acceptance, approval or accession in accordance with article 11.

2 For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of the Convention after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of the Convention or three months after the date of deposit of the instrument, whichever is the later date.

3 For States which have deposited an instrument of ratification, acceptance, approval or accession after the date on which the Convention entered into force, the Convention shall become effective three months after the date of deposit of the instrument.

4 After the date on which an amendment to the Convention is deemed to have been accepted under article 10, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention as amended.

ARTICLE 13

Denunciation

1 The Convention may be denounced by any Party at any time after the expiry of five years from the date on which the Convention enters into force for that Party.

2 Denunciation shall be effected by notification in writing to the Secretary-General.

3 A denunciation shall take effect 12 months after receipt of the denunciation by the Secretary-General or after the expiry of any longer period which may be indicated in the notification.

ARTICLE 14

Depositary

1 The Convention shall be deposited with the Secretary-General of the Organization (hereinafter referred to as "the depositary").

2 The depositary shall:

.1 inform the Governments of all States which have signed the Convention or acceded thereto of:

.1.1 each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
.1.2 the date of entry into force of the Convention;

.1.3 the deposit of any instrument of denunciation of the Convention, together with the date on which it was received and the date on which the denunciation takes effect; and

.2 transmit certified true copies of the Convention to the Governments of all States which have signed the present Convention or acceded thereto.

3 As soon as the Convention enters into force a certified true copy thereof shall be transmitted by the depositary to the Secretary-General of the United Nations, for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 15

Languages

The Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed the Convention.

DONE AT LONDON, this seventh day of July, one thousand nine hundred and ninety five