

IMO STCW Certificates of Competency

After the Manila 2010 Amendments:
period of validity of renewal and other questions

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THE IMO STCW Certificate of Competency (CoC) **qualifies maritime workers to carry out labour activities on board ships for the skills mentioned in it.** In Italy, the CoC are issued and renewed by the Harbourmaster's Offices and are valid for five years.

These documents are regulated at the international level in the STCW Convention Standard of Training, Certification and Watch-keeping for Seafarers '78 and in the STCW Code '95, **last revised at the 2010 Manila Conference.** These amendments took effect on 1 January 2012.

At the European level, the amendments were recognized by Dir. 2012/35/EU, **which modified Dir. 2008/106/EC**, regarding the minimum training requirements for maritime workers. **This was put into effect in our regulations only recently with Legislative Decree 71/2015.**

The matter of the renewal of CoC after Manila 2010 is the subject of a debate over the period of validity. Everything starts from vague and contradictory interpretations of some instructions on the part of the public administration, and in particular of art. 28, nn. 2 and 5 of Legislative Decree 71/2015, which orders as follows: "2. Up to 1.1.2017, the competent authorities can continue to renew and extend certificates of competency and validate them in accordance with the requirements set forth in Legislative Decree 7.7.2011, n. 136"; "5. Up until the date that the decree becomes law according to article 13, co. 5 continue to apply the provisions of annex IV to Legislative Decree 7/7/2011, n. 136...", thus introducing a temporary regime that will run up to 1 January 2017 (**date by which all the states participating in the STCW Convention should have recognised the amendments**). Disregarding the literal content of the regulation, **the period up to 1 January 2017 was understood by the P.A. as the period of validity for the renovation of the CoC.** Some Harbourmaster's offices then renew the CoCs up until that date based on a 2011 IMO Interpretative Circular, then transposed into a circular from the General Command of the Harbourmaster's Offices, n.



008/2011, **both dubiously effective in our regulations and to be considered in any case superseded by Legislative Decree 71/2015.**

Other Harbourmaster's offices, however, in accordance with the previously described regulatory system, **are renewing the CoCs for five years from their expiration, and therefore beyond 1 January 2017.**

In this context, it is not surprising that several appeals against measures denying the renewal of the CoCs beyond 1 January 2017 are outstanding before the Regional Administrative Court. In the meantime, since 15 December 2015, **a draft ministerial decree on the renewal of CoCs is making the rounds**, with the aim of gathering comments from the industry associations before it is adopted. However, it will be what is called an "intermediate" decree, **rather than an implementation of Manila 2010.**

Indeed, the implementing measures are



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missing, and in terms of the periods of validity of the renewals of CoCs, **art. 10 of the draft calls for all the certificates to be valid up to 31 December 2016**, while the measures are pending.

The P.A. seems to be rushing to make repairs, establishing a period of efficacy for expiring CoCs by decree, **while the adoption of the implementing measures according to art. 13, co. 5 of Legislative Decree 71/2015 is pending**; perhaps also with the intention of resisting appeals lodged and rebutting threats from sailors.

Another serious question, which has arisen from the recognition of the Manila 2010 amendments in our regulations, is the recognition of sailors on pure sporting units (pleasure yachts) as being subject to the renewal of commercial CoCs. The regime that is currently in effect (circ. Mit n. 17 of 17/12/2008 and Legislative Decree 136/2011, p. 2 Annex

IV) considers this kind of sailing valid, **and the Manila Amendments have not had an effect on the regime.**

The P.A., however, seemed at first determined to reject it. But after the signal received by the industry associations that were consulted, it now seems to want to change paths, treating sailors on pleasure yachts as equivalent, **for the purposes of the renewal of CoCs.** The last aspect on which attention is focused in the context of the process of recognition of the Manila 2010 Amendments, relates to the refresher courses required for the purposes of renewing CoCs. **At the moment Italy recognises as valid only those executed in our own country and not abroad, and not even those executed in other EU countries.** A change of position is also expected on this point.