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A1/V/5.02 (NV.4)

He has the honour to refer to the 2010 Manila amendments to the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, and the 2010 Manila Amendments to the Seafarers' Training, Certification and Watchkeeping Code, which were adopted by the Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, held in Manila, the Philippines, from 21 to 25 June 2010.

At the time of their adoption, the Conference determined that the amendments shall be deemed to have been accepted on 1 July 2011, unless, prior to that date, more than one-third of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, or Parties, the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping of ships of 100 gross register tons or more, have notified the Secretary-General that they object to the amendments. The Conference further determined that the amendments shall enter into force on 1 January 2012, upon being deemed to have been so accepted.

On 13 June 2011, as already advised in Note Verbale A1/V/5.02 (NV.3), dated 25 July 2011, the Secretary-General received a communication from the Embassy of Finland, informing him as follows:

"The Embassy hereby informs, with reference ... to article XII(1)(a)(vii) and XII(1)(a)(ix) of the STCW Convention, that, due to national procedural requirements, Finland is obliged to object to the above-mentioned amendments.

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The Embassy has the honour to inform the Secretary-General that the Government of Finland intends to accept the amendments as soon as the legislative amendments necessary to such acceptance have been carried out. The Government of Finland will not fail to inform the Secretary-General of any developments in this respect.”

Additionally, the Secretary-General received, on 12 December 2011, 15 December 2011 and 19 December 2011, respectively, communications from the Embassy of the Republic of Slovenia, the Ministry of Transport and Communications of the Republic of Lithuania and the Minister for Foreign Affairs of the Kingdom of Denmark, under article XII(1)(a)(ix) of the STCW Convention, informing him as follows (the wording of the three communications is identical):

“The amendments to the Annex to the Convention and to the Code will enter into force on 1 January 2012. However, under article XII(1)(a)(ix) of the STCW Convention, 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 an amendment adopted under the procedure laid down in article XII(2) of the same Convention, for a period not longer than one year.

The Embassy/the Ministry of Transport and Communications/the Minister for Foreign Affairs hereby inform that, with reference to Regulation VIII/1 (Fitness for duty) of the Annex to the STCW Convention and Section A-VIII/1 of the STCW Code, due to national procedural requirements, the Republic of Slovenia/the Republic of Lithuania/the Kingdom of Denmark are not able to give effect to the Manila amendments before 1 January 2013.

The Embassy/the Ministry of Transport and Communications/the Minister for Foreign Affairs have, however, the honour to inform the Secretary-General that the Government of the Republic of Slovenia/the Government of the Republic of Lithuania/the Government of Denmark will not fail to inform the Secretary-General of any developments in this respect.”

The Secretary-General received four further communications, as follows:

- on 19 December 2011, from the Minister of Foreign Affairs of New Zealand, informing him that:

"In accordance with article XII(1)(a)(ix) of the Convention, the Government of New Zealand exempts itself from giving effect to the Manila Amendments for a period of one year from the date of their entry into force, namely 1 January 2012. Accordingly, the Government of New Zealand records its understanding that it will give effect to the Manila Amendments from 1 January 2013."
- on 22 December 2011, from the Maritime and Coastguard Agency of the United Kingdom of Great Britain and Northern Ireland, informing him, with regard to:
  - “ 1. Regulation VIII/1 (Fitness for duty) of the Annex to the STCW Convention and Section A-VIII/1 of the STCW Code;
  - 2. Regulation I/9 (Medical Standards) of the Annex to the STCW Convention and Section A-I/9 of the STCW Code;
  - 3. Regulation II/5 (Able Seafarer Deck) of the Annex to the STCW Convention and Section A-II/5 of the STCW Code; Regulation III/6 (Electro-Technical Officers) of the Annex to the STCW Convention and Section A-III/6 of the STCW Code;

4. Regulation VIII/1.1 (Exceptions from required Hours of Rest) of the Annex to the STCW Convention and Section A-III/1.9 of the STCW Code; and
5. Regulation VIII/1.2 (Prevention of Alcohol Abuse, Limits) of the Annex to the STCW Convention and Code and Section A-VIII/1.10 of the STCW Code.

that due to national procedural requirements the United Kingdom is not able to give effect to the Manila amendments before 1 January 2013. The Government of the United Kingdom and Northern Ireland will inform the Secretary-General of any developments in this respect. ”

- and on 22 December 2011, from the Embassies of Ireland and Portugal, as follows:

“The Embassy of Ireland/Portugal hereby informs IMO that, due to national regulatory and administrative requirements, Ireland/Portugal are not in a position to be able to give effect to Regulation VIII/1 (Fitness for duty) of the Annex to the STCW Convention and Section A-VIII/1 of the STCW Code before 1 January 2013. The Government of Ireland/the Portuguese authorities will not fail to inform the Secretary-General of any developments in this respect.”

The amendments accordingly entered into force on 1 January 2012 for all Parties to the Convention, except Finland, Slovenia, Lithuania, Denmark, New Zealand, the United Kingdom, Ireland and Portugal.

London, 30 January 2012

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