



IMO
INTERNATIONAL MARITIME LAW INSTITUTE
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**LAWS AND REGULATIONS FOR THE
INCORPORATION OF THE INTERNATIONAL
CONVENTION ON STANDARDS OF TRAINING,
CERTIFICATION AND WATCHKEEPING FOR
FISHING VESSELS PERSONNEL (STCW-F), 1995
INTO THE LAWS OF JAPAN AND FOR THE
EFFECTIVE IMPLEMENTATION THEREOF**

**A Legislation Drafting Project submitted in partial fulfillment of the
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EXPLANATORY NOTE

1. INTRODUCTION TO THE STCW-F CONVENTION

1.1 A Brief Background to the STCW-F Convention

Historically, ship accidents, such as collisions, stranding, fire and explosions have caused huge tragedies resulting in the loss of a number of seafarers' and passengers' lives, economic losses, and, in many cases, in serious environmental damage. For example, the famous *Titanic* disaster, which occurred in 1912 and resulted in more than 1,500 deaths, shook people at that time to the core. One of the biggest accidents after World War II would be the *Torrey Canyon* oil spill, in which the Liberian tanker of about 120,000 tonnes hit rocks in the south-east coast of the United Kingdom in 1967 and more than 100,000 tonnes of crude oil was run off.¹ The environmental damage and economic loss was immeasurable and this accident made many major shipping and coastal countries be aware of the compelling need to develop the global standards to ensure maritime safety.

One of the elements which arose after the accident was the necessity of well-trained seafarers with adequate competence and knowledge, and the watchkeeping requirements on board the vessel. After long consideration, in 1978, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 (hereafter 'the STCW Convention')² was adopted by the International Maritime Consultative Organization, which is now known as the International Maritime Organization (hereafter 'IMO'), and it entered into force in 1984.

Although the international standards for seafarers were developed by IMO, fishing vessels as well as warships were excluded from the scope of application of the STCW Convention. Considering the high rates of casualties and accidents relating to fishing vessels, the work for developing an international convention for fishing

¹ International Tanker Owners' Pollution Federation, 'Torrey Canyon, United Kingdom, 1967' (23 May 2014) <www.itopf.org/in-action/case-studies/case-study/torrey-canyon-united-kingdom-1967/> accessed 13 December 2020.

² International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (adopted 7 July 1978, entered into force 28 April 1984) 1361, 1362 UNTS 23001.

vessel personnel was accelerated, and finally, in 1995, the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessels Personnel, 1995 (hereafter ‘STCW-F Convention’)³ was adopted by IMO, together with the adoption of comprehensive amendments to the STCW Convention. The STCW-F Convention’s main objectives are to promote safety of life and property at sea and the protection of the marine environment by establishing international standards of training, certification and watchkeeping for personnel onboard fishing vessels. The Convention entered into force in 2012 and, as of March 2021, has 32 States Parties.

1.2 Main Contents of the STCW-F Convention

1.2.1 Structure

The STCW-F Convention consists of the Articles of the Convention and an Annex. In the Articles, general matters, such as general obligations of the Parties, definitions and procedures in terms of implementation of the Convention are provided. The Annex contains four chapters: general provisions (Chapter I), certification of skippers, officers, engineer officers and radio operators (Chapter II), basic safety training for all fishing vessel personnel (Chapter III), and watchkeeping (Chapter IV) and Appendixes.

1.2.2 Definition and application

For the purpose of the Convention, ‘fishing vessel’ or ‘vessel’ means ‘any vessel used commercially for catching fish or other living resources of the sea’ (Article 2). The Convention applies to personnel serving on board ‘seagoing fishing vessels’, which are defined as ‘fishing vessels 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’ (Articles 2 and 3).

Regulation I/2 permits the exemption of application for some particular provisions wholly or in part, if the Administration of a Party considers it unreasonable or impracticable to apply the full requirements of the Convention in case the vessel

³ International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessels Personnel (adopted 7 July 1995, entered into force 29 September 2012) 56216.

is less than 45 meters in length operating exclusively from its ports and fishing within limited waters. These provisions set mandatory minimum requirements for certification of skippers and officers (Regulation II/3 and II/4), mandatory minimum requirements for certification of chief and second engineers (Regulation II/5) and the requirement of the use of English language. 'Limited waters' are defined as 'those waters in the vicinity of a Party as defined by its Administration within which a degree of safety is considered to exist which enables the standards of qualification and certification for skippers and officers of fishing vessels to be set at a lower level than for service outside the defined limits'. In determining the extent of limited waters, the Administration shall take into consideration the guidelines developed by the Organization' (Regulation I/1, I/14).

It is also important to note that the Convention stipulates that certificates issued under the STCW Convention to a Chief Engineer Officer, an Engineer Officer or Radio Operator shall be regarded as valid corresponding certificates for the purpose of the STCW-F Convention.

1.2.3 Obligations of the flag State

It is a flag State's obligation to ensure that personnel serving on fishing vessels which fly its flag are duly certificated, receive basic training and follow the watchkeeping principles in accordance with the provisions of the Convention. With regard to certification, a flag State shall issue certificates to fishing vessel personnel who meet the requirements of the Convention and endorse them (Article 6 and Regulation I/3). In addition, it shall recognize, by endorsement, a certificate issued by another Party after ensuring the requirements of the Convention are fully complied with (Regulation I/3 and I/7). It is also a flag State's obligation to establish means to monitor the programme and training regularly so that the effectiveness of them is ensured (Regulation I/6).

1.2.3.1 Certification (Chapter II of Annex)

Chapter II has 6 regulations on minimum requirements for certification, which are certification of skippers (Regulation II/1 and II/3), officers in charge of a navigational watch (Regulation II/2 and II/4), chief engineer officers and second

engineer officers (Regulation II/5), and personnel in charge of radiocommunication duties (Regulation II/6). It provides the requirements for regular updating of proficiency and knowledge for skippers, officers and engineer officers (Regulation II/7) and for Global Maritime Distress and Safety System (GMDSS) radio personnel (Regulation II/8). Brief explanation of each regulation is as follows.

In Regulations II/1 and II/3, mandatory minimum requirements for certification of skippers on fishing vessels of 24 meters in length and over are provided. The difference of the two regulations is the applicable sea area in which fishing vessels operate: the former provides the requirements of skipper on vessels operating in unlimited waters and the latter provides for the ones operating in limited waters. In accordance with these regulations, candidates for certification of skippers shall, as well as having met the requirements of officers in charge of navigational watch provided in Regulation II/2, have approved seagoing service of not less than 12 months as an officer in charge of a navigational watch or skipper of not less than 12 meters in length. However, it is allowed to substitute the 12-months seagoing service with a period not exceeding six months of approved seagoing service as an officer in charge of navigational watch approved in accordance with the STCW Convention. The candidates shall also pass the examination which contains the subjects set out in the appendix to the regulation, including navigation, watchkeeping, radar navigation and vessel maneuvering. The candidates who hold a valid certificate of competency issued in accordance with the STCW Convention need not be re-examined in overlapping subjects. In Regulation II/3, the requirements of minimum knowledge are exempted partially compared to Regulation II/1.

Regulations II/2 and II/4 provide mandatory minimum requirements for officers in charge of navigational watch on fishing vessels of 24 meters in length and over operating in unlimited waters and in limited waters respectively, in the same manner as Regulations II/1 and II/3. In the regulations, two years of approved seagoing service in the deck department on fishing vessels of not less than 12 meters is required, but the substitution is allowed either (1) by a period of special training not exceeding one year provided that the level of training is at least

equivalent to the period of required seagoing service or (2) by a period of approved seagoing service covered by the STCW Convention. Also, the candidates shall pass the examination which includes the subjects listed in the appendix to the regulations, such as radar navigation, meteorology and catch handling and stowage; those who hold a valid certificate of competence issued in accordance with the STCW Convention are exempted from taking overlapping subjects as well.

Regulation II/5 contains the mandatory minimum requirements for certification of chief engineer officers and second engineer officers of fishing vessels powered by main propulsion machinery of 750 kW propulsion power or more. For certification as second engineer officers, 12 months of approved seagoing service in the engine room is required, but if they have taken special training of equivalent level, the period may be shortened to not less than six months. For the certification as chief engineer officers, 24 months of approved seagoing service which shall include 12 months' experience as second engineer officer. Candidates for both chief and second engineer officers shall also pass the examination which includes the subjects listed in the appendix to the regulation.

Regulation II/6 stipulates the mandatory minimum requirements for certification of personnel in charge of or performing radiocommunication duties using the GMDSS. It is provided in the regulation that candidates for certification shall have the certificate issued by Administration in accordance with Radio Regulations and pass an examination to ensure they meet the requirements listed in appendix to the regulation.

Finally, Regulations II/7 and II/8 provide the mandatory minimum requirements of all skippers and officers to ensure the continued proficiency and updating of knowledge.

As well as the abovementioned regulations, there are also requirements related to medical fitness and minimum age.

1.2.3.2 Basic Safety Training (Chapter III of Annex)

Chapter III contains the requirements of basic safety training which all fishing vessel personnel shall take before being assigned to shipboard duties. The training mainly purports to ensure the safety of life at sea and prevention of marine pollution.

1.2.3.4 Watchkeeping Requirement (Chapter IV of Annex)

Chapter IV provides the watchkeeping requirements, in which the basic principle on watchkeeping arrangements which the skipper shall ensure is stipulated. The basic principle includes the arrangements *en route* to or from fishing grounds, during fishing and in relation to radio watchkeeping.

1.2.4 Obligations to undertake as a Port State

In accordance with the Convention, every Party shall designate the officers who may exercise control on another Party's fishing vessels which enter its national ports by carrying out inspections on the vessels to verify that the personnel on board the vessels are duly certificated and the watchkeeping standards are maintained. In case deficiencies are found, the designated officers shall take the appropriate action including the detention of the ship in accordance with Article 8 and Regulation I/4.

2. REASONS WHY JAPAN NEEDS TO ACCEDE TO THE STCW-F CONVENTION

2.1 Enhancing the Safety of Life at Sea

One of the most important objectives of the STCW-F Convention is to promote safety of life at sea in the fisheries sector. The high rate of accidents in which fishing vessels are involved was recognized by IMO in late 1980s,⁴ and it became a key element which prompted Member States to develop international standards of training, certification and watchkeeping of fishing vessel personnel. Even now, 26 years after the adoption of the STCW-F Convention, fishery remains one of the highest fatality rates globally of all professions. While there may be a number of factors that have contributed to the bad safety record of the fishing industry, there can be no doubt that the considerably smaller number of the State Parties to the STCW-F Convention compared to those to the STCW Convention,⁵ as well as the lack of an effective internationally binding regulatory regime for the safety of fishing vessels⁶ play a significant part.

In Japan, the number of fishing vessels' accidents and related casualties have been a concern for a long time as well. According to the Japan Coast Guard, 2,822 fishing vessels caused or were involved in accidents in the last five years around Japan, which is 27 percent of all accidents relating to vessels in the area and the second highest number following the pleasure boats.⁷ Also, in regard of the accidents which resulted in fatalities or missing persons, fishing vessels hold the first place with 55 percent of all types of vessels.⁸ In 2019, there were 510 fishing vessels accidents with 98 casualties, in which 36 seafarers lost their lives or remain

⁴ International Maritime Organization Resolution A.646(16) Safety of Fishermen at Sea (adopted 19 October 1989).

⁵ The STCW Convention has 165 State Parties while the STCW-F Convention has 32, as of March 2021.

⁶ Although great effort has been made by the IMO and its Member States to develop the regulatory regime for the safety of fishing vessels, including the adoption of the 1977 Torremolinos International Convention for the Safety of Fishing Vessels, the 1993 Torremolinos Protocol, and the 2012 Cape Town Agreement, none of these conventions has entered into force as of March 2021.

⁷ Japan Coast Guard, '2019 The Situation and Measure on Marine Accidents' (2020) <www6.kaiho.mlit.go.jp/info/keihatsu/20200511_state_measure01.pdf> accessed 13 December 2020.

⁸ *ibid.*

missing.⁹ 67 percent of these accidents were reported due to human element, such as insufficient watchkeeping and improper operation.¹⁰ Thus, it is obvious that the safety of fishing vessels, especially the high rate of accidents as a result of human errors, is a matter of great concern to Japan which needs to be addressed urgently. It is submitted that, ensuring that fishing vessel personnel have been properly certificated in accordance with international standards, will help reduce these tragic accidents. Therefore, Japan needs to accede to the STCW-F Convention and adequately implement the same through domestic legislation. A draft instrument of accession to the Convention has been prepared and is included in this drafting project.

2.2 Contribution to the Protection of the Marine Environment

As well as enhancing safety at sea, it is also important to promote the protection of the marine environment. Preventing marine pollution has been placed as a target of Goal 14 of the 2030 Agenda for Sustainable Development Sustainable Development Goals adopted by the United Nations in 2015.¹¹ Also, within the framework of IMO, Member States have addressed the environmental protection in the maritime field through adopting as many as 21 treaties which are for directly environment-related purposes.¹²

Although the STCW-F Convention is not a convention which addresses the protection of the marine environment directly, one of the purposes of the Convention is stipulated as ‘to further promote [...] the protection of the marine environment by establishing in common agreement’.¹³ In practice, the STCW-F Convention could contribute to promote environmental protection of the sea by ensuring all Parties to the Convention comply with safety standards effectively and, as a result, by reducing the number of accidents. In this context, it is desirable

⁹ *ibid.*

¹⁰ *ibid.*

¹¹ United Nations, ‘Transforming Our World: The 2030 Agenda for Sustainable Development’ (adopted 25 September 2015) A/RES/70/1. <<https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>> accessed 13 December 2020.

¹² IMO, ‘Marine Environment’ <www.imo.org/en/OurWork/Environment/Pages/Default.aspx> accessed 13 December 2020.

¹³ The STCW-F Convention, Preamble.

that more countries become Parties to the Convention, but the number of the contracting States is still small, especially in the Asian region which possesses large global fishing fleets. Japan, as one of the big fishing countries with about 132,000 fishing vessels¹⁴ and 152,000 fishers¹⁵, which caught the ninth largest amount of fish in 2018¹⁶, has a great influence and responsibility in the global fishing industry and the protection of marine environment by ensuring the safety standards of fishing vessel personnel. It is also important to note that bringing into force solid regulatory regimes in the fishing area would help tackle illegal, unreported and unregulated fishing, the so called IUU fishing, which is threatening the sustainability of ocean resources as well as deteriorating the local economy of the coastal States and therefore has been addressed by the international community led by the IMO, the International Labour Organization (ILO) and the Food and Agriculture Organization (FAO).

2.3 Necessity of Implementation for the Fishing Industry

Becoming a Party to the STCW-F Convention and implementing the same is beneficial to the domestic fishing industry as well. It cannot be overemphasized that enhancing the safety at sea not only provides better working conditions to fishing vessel personnel, but it also contributes to the development of the industry. It is essential for the industry, which is facing the problem of labour shortage, to promote the safety of the job by upholding the standards of the Convention and its implementation so as to attract more students and job seekers.

The second benefit of becoming a Party to the Convention is that it enables Japanese fishing vessels to enter foreign ports of the States Parties without any apprehension of detentions and delays as personnel working onboard such vessels will have the certificates issued and duly authorized by Japanese Government in accordance with the STCW-F Convention. Some fishing vessels, especially the pelagic tuna fishing ones, depart from Japanese ports for long-time voyages, about

¹⁴ Ministry of Agriculture, Forestry and Fisheries, 'Statistics on the Situation of Fishery Community' < www.maff.go.jp/j/tokei/sihyo/data/19.html> accessed 13 December 2020.

¹⁵ Ministry of Agriculture, Forestry and Fisheries, '2019 Fishery White Paper' (2020) 1-2(3) < www.jfa.maff.go.jp/j/kikaku/wpaper/r01_h/trend/1/t1_f2_3.html> accessed 13 December 2020.

¹⁶ *ibid* 1-3(1) < www.jfa.maff.go.jp/j/kikaku/wpaper/r01_h/trend/1/sankou_3_1.html> accessed 13 December 2020.

a year, for fishing in the Atlantic Ocean and Indian Ocean. They usually enter foreign ports during the duration of the voyage, where they are subject to port State control inspections if the State is a Party to the Convention. In this case, it is mandatory for Japanese vessels to meet the equivalent standards to the Convention. Thus, accession to and implementation of the STCW-F Convention is essential for fishing vessels personnel and the industry.

2.4 Reasons why Early Approval of the Convention is required

From the above explanation, it can be submitted that there are several reasons why Japan needs to accede to the STCW-F Convention, and all of them are serious issues which should be addressed promptly. Especially, the loss of life and environmental pollution are tragedies from which the country may not fully recover. Therefore, the accession to and effective implementation of the Convention are essential.

On the other hand, there would be some opinions suggesting that Japan should wait for completion of the comprehensive amendments to the Convention which were proposed by many Member States of IMO, including Japan, at the Maritime Safety Committee in 2015 and are still under the discussion. The main objective of the amendments is to upgrade the provisions of the Convention so as to meet the current state of the industry. However, usually the amendment processes of the Conventions may take several years because all provisions must be carefully considered; this is prominent in the case of comprehensive amendments. Also, the duration of the amendment processes is often prolonged because more and more issues arise during the discussions. With regard to the amendments of the STCW-F Convention, although the original completion year was 2018, it became 2022 as of 2019, and it is expected to be further prolonged because of today's difficulties caused by the COVID-19 pandemic. Therefore, considering the compelling need mentioned above, Japan needs to address the issue as soon as possible without waiting the future amendments to the Convention.

3. DOMESTIC LEGISLATION TO IMPLEMENT THE STCW-F CONVENTION

3.1 Relevant Authorities

3.1.1 Ministry of Land, Infrastructure, Transport and Tourism

Firstly, the Ministry of Land, Infrastructure, Transport and Tourism (MLIT) is the principal Ministry which deals with maritime issues in general. It is in charge of promulgating laws and regulations and making policies in relation to seafarers, including their certification, training, manning, watchkeeping requirements, labour condition and welfare. It conducts and supervises a State examination for the certificate of competence for seafarers, registers the certificates, and endorse them. It is also MILT's duty to take necessary measures to ensure safety of ship at sea, risk management of maritime issues and prevention of marine pollution. Port State control is under the responsibility of MLIT as well. In relation to the STCW-F Convention, MLIT supervises two main laws, Law for Ships' Officers and Boats' Operators and Mariners Law, both of which have subsidiary regulations.

3.1.2 Ministry of Agriculture, Forestry and Fisheries

The Ministry of Agriculture, Forestry and Fisheries (MAFF) is the Ministry which supervises the fisheries industry and its associations. MAFF is in charge of the development of the industry, providing the stable supply of fishery products, and making related laws, regulations and policies. It works for securing human resources in the fisheries industry, the realization of a high rate on marine-products self-sufficiency, as well as the maintenance and preservation of fishery resources and promotion of sustainable fisheries.

3.1.3 Ministry of Internal Affairs and Communications

The Ministry of Internal Affairs and Communications (MIC) has the responsibility on telecommunication and radio policies, including certification of radio operators. MIC conducts a State examination and issues the certificate to a person who holds an appropriate qualification as a radio operator, including the certificate as a ship station radio operator.

3.2 Relevant Laws and Regulations

3.2.1 The Law for Ships' Officers and Boats' Operators and Related Regulations

The Law for Ships' Officers and Boats' Operators (Law No.149 of 1951) provides for the State examination for the certificates of ship officers and boat operators, registered training organizations and manning requirements for both ship officers and boat operators. There are a few subsidiary regulations, such as Cabinet Order for the Enforcement of the Law for Ships' Officers and Boats' Operators (Cabinet Order No.13 of 1983) and Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators (Ordinance of the Ministry of Transport No.149 of 1951).

Chapter I of the Law includes general provisions, in which the terms 'ship', 'ship officer' and 'boat operator' are defined as follows:

1. For the purpose of this Law, the term 'ships' means, except as provided for in Article 29-3, Japanese ships (as defined in Article 1 of the Ship's Law, Law No. 46, 1899, hereinafter the same), ships other than Japanese ships (except those prescribed in an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism) chartered by those having the right to own Japanese ships, or ships other than Japanese ships always calling Japanese ports, or exclusively operating within Japanese lakes, rivers or river ports, excluding those which fall under any of the following Subparagraphs:
 - (1) boats propelled only by means of sculls or oars; or
 - (2) ships laid-up, or other ships prescribed in an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
2. 'ship officers' means those personnel who undertake the duties of master (except boat operators), deck officer, chief engineer, engineers, Chief Radio Operator and radio operators onboard ships.
3. 'boat operators' means chief of boats (which are those with under 20 tonnage, or with over 20 tonnage for a single operator having equivalent duties concerning its operation and engine driving to boats with under 20 tonnage as prescribed in an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism).

Chapter II contains the requirements for ship officers. In Part I of Chapter II various matters in relation to certification of ship officers such as the contents of a State examination, types of certificates and valid date are provided. In Part II, the requirements for registered training institutions are provided. Part III provides for endorsement of certificates issued by other Party States to the STCW Convention. In Chapter III, the matters of boat operators are dealt with, and Chapter IV contains miscellaneous provisions in which the power port State control to inspect certificates issued in accordance with the STCW Convention is provided.

The Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators provides the detailed requirements for acquiring certificates (Part II) and for State examination for the certificates (Part III).

3.2.2 Mariners Law and related regulations

Other important instruments are the Mariners Law (Law No. 100 of 1947) and relevant regulations, which include the Ordinance for Enforcement of the Mariners Law (Ordinance of the Ministry of Transport No.23 of 1947) and Standards on Navigational Watch (Notification of Ministry of Transport No. 704 of 1996), which provide the requirement of port State control and watchkeeping. Article 14-4 of the Law states that the duty of master, including keeping navigational watch, shall be stipulated in the Ordinance for the Enforcement of the Mariners Law. In the Ordinance, it is provided that the master of vessels other than ones operating only in smooth water areas and fishing vessels operating only in smooth water areas and areas specialized by Cabinet Order shall take measures to properly carry out the navigational watch in accordance with the standards stipulated in the Notification. Also, in the Standard on Navigational Watch, various detailed requirements are provided. Article 120-3 of the Law provides the duties of the Maritime Administration on port State control related to navigational watch requirements as provided for in the STCW Convention.

3.3 Methodology to incorporate the STCW-F Convention into the Laws of Japan

As mentioned above, there are three organizations which are involved in incorporation of the STCW-F Convention into Japanese legislation: MLIT, MAFF and MIC. MLIT is responsible for the competence of seafarers and safe navigation of the fishing vessels, while MAFF supervises fisheries itself. Also, MIC supervises the radio operator certification in accordance with Radio Regulations. Therefore, the implementation of the STCW-F Convention, by its nature, should be administered by MLIT principally, which is responsible for promulgating corresponding laws and regulations to the Convention, through consultations with other related Parties.

With regard to Japan's existing legal framework, Japan has legislation in relation to seafarers' training, certification and watchkeeping in the Law for Ships' Officers and Boats' Operators and Mariners Law, both of which meet the standards of the STCW Convention. Also, regarding the competence of fishing vessel personnel, Japan has adopted the method of applying related laws and regulations basically to both seafarers working on merchant vessels and fishing vessels. This is mainly because both the shipping and fishing industry have had the problem of shortage of human resources, which is getting more serious with the population aging. Indeed, ensuring job mobility for seafarers among those two industries is highly meaningful considering the similarity of their duties. Therefore, to implement the STCW-F Convention, it is appropriate to amend existing laws and regulations and to make it possible to allow flexibility of some extent between the certificates issued for seafarers on board the merchant vessels and fishing vessel personnel.

3.4 Proposed Amendments

Based on abovementioned discussion, the STCW-F Convention should be incorporated into Japanese legislation through the amendment of the Law for Ships' Officers and Boats' Operators and Mariners Law, and related regulations. Firstly, general provisions, which are stated in Articles of the Convention and Chapter I of Annex, such as definitions, application, port State control measures shall be introduced into Japan's laws and regulations. Some terms, especially

‘fishing vessel’, shall be added to the Law for Ships’ Officers and Boats’ Operators.¹⁷ To provisions which are common to the STCW and STCW-F Conventions, including duties of Administration to issue, endorse and manage the certificates¹⁸ and carry out port State control inspections¹⁹, it is necessary to add the elements of the STCW-F Convention in their stipulations.

In terms of the provisions on certificates provided for in Chapter II of the Annex of STCW-F, new types of certificate for fishing vessel personnel, especially for skippers and officers in charge of navigational watch, shall be added to the existing ones, which are provided in the Law for Ships’ Officers and Boats’ Operators and related regulations.²⁰ As there are differences on requirements for certificates, especially on approved seagoing services, between the STCW Convention and STCW-F Convention, it is necessary to create different requirements for applicants of fishing vessel personnel. In terms of the certificates of engineer officers and radio operators, the STCW-F Convention allows the holders of certificates issued in accordance with the STCW Convention to be considered as holders of corresponding certificates with regard to fishing vessels. Therefore, Japan does not need to require separate certificates for these qualifications.²¹

In Chapter III dealing with basic safety training, most contents provided for in the STCW-F Convention are included in the corresponding ones of the STCW Convention, and therefore have been duly incorporated into the existing legislative framework. However, some of them are unique to the STCW-F Convention, and as such shall be added into the Ordinance.²²

In regard of Chapter IV, watchkeeping requirements are provided in the Mariners Law and related regulations in accordance with the provisions of the STCW Convention. There are some lacunae in the existing laws and regulations compared

¹⁷ Implementing Article 7 (2) of the STCW-F Convention.

¹⁸ Implementing Regulation I/3 and I/7 of the STCW-F Convention.

¹⁹ Implementing Article 8 and Regulation I/4 of the STCW-F Convention.

²⁰ Implementing Regulation II/1 to II/4 of the STCW-F Convention.

²¹ Implementing Regulation I/3(7), II/5 and II/6 of the STCW-F Convention.

²² Implementing Regulation III/1 (1) (5) and (6).

to the requirements of the STCW-F Convention, which shall be added as solely applicable to the watchkeeping on fishing vessels.²³

²³ Implementing Regulation IV/1 (6) of the STCW-F Convention.

B) INSTRUMENT OF ACCESSION

**JAPAN
INSTRUMENT OF ACCESSION**

The Foreign Minister of Japan presents its compliments to the Secretary-General of the International Maritime Organization and has the honour to communicate the following:

WHEREAS the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessels Personnel (STCW-F), 1995 (hereafter, 'STCW-F Convention') was opened for signature at the Headquarters of the International Maritime Organization from 1 January 1996 to 30 September 1996,

AND WHEREAS the Government of Japan, being a State entitled to accede to the said Agreement by virtue of Article 11 (1) (3) thereof,

WHEREAS pursuant to Article 73 (3) of the Constitution of Japan, the Diet²⁴ of Japan, having considered and approved the said Agreement, has consented to accede the same,

NOW THEREFORE, the Government of Japan, having considered and approved the said Agreement, hereby formally declares its accession to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessels Personnel (STCW-F), 1995,

IN WITNESS WHEREOF I,, Foreign Minister of Japan, have signed this Instrument of Accession and affixed my official seal.

(Date)

(Signature)

²⁴ National assembly

C) DRAFT LAWS AND REGULATIONS

Law to Amend the Law for Ships' Officers and Boats' Operators (Law No.149 of 1951) and the Mariners' Law (Law No. 100 of 1947)

1. This Law shall come into force on XXth of XXXX, 2021.
2. The purpose of this Law is to amend the Law for Ships' Officers and Boats' Operators and Mariners Law.
3. Article 2 of the Law for Ships' Officers and Boats' Operators shall be amended as follows:
 - (1) Immediately after the Paragraph 6, there shall be added the following new definition:
 - (7) For the purpose of this law, the term "fishing vessel" means a type of ships, among ones defined in Paragraph 1 of this Article, which is used commercially for catching fish or other living resources of the sea.
4. Paragraph 3 of Article 4 of the Law for Ships' Officers and Boats' Operators shall be replaced with the following:
 - (3) The application for certification provided for in Paragraph 1 of this article shall be made within one year after the applicant has successfully passed the Examination. However, this requirement shall not apply to those who have obtained the certificate specified in Subparagraph 1, Paragraph 1 of Article 5 and apply for the certificate of Subparagraph 5 of the same paragraph.
5. Article 5 of the Law for Ships' Officers and Boats' Operators shall be amended as follows:
 - (1) Immediately after Subparagraph 4 of Paragraph 1, there shall be added the following subparagraph 5:
 - (5) Maritime Officers (Navigation on Fishing vessels) by qualification as classified in Items (a) through (f) below:
 - (a) First Grade Maritime Officer (Navigation on Fishing vessels)
 - (b) Second Grade Maritime Officer (Navigation on Fishing vessels)
 - (c) Third Grade Maritime Officer (Navigation on Fishing vessels)
 - (d) Fourth Grade Maritime Officer (Navigation on Fishing vessels)

- (e) Fifth Grade Maritime Officer (Navigation on Fishing vessels)
 - (f) Sixth Grade Maritime Officer (Navigation on Fishing vessels)
- (2) Paragraph 2 shall be replaced with the following:
 - (2) The Minister of Land, Infrastructure, Transport and Tourism may, whenever he or she grants a certificate for a Maritime Officer (Navigation), a Maritime Officer (Engineering) or Maritime Officer (Navigation on Fishing vessels), impose, according to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, limitations on ship officers' duties which are allowed to be undertaken by such an officer on-board ships (hereinafter referred to as the "Limitation by Experience") for Maritime Officers (Navigation), for the classified ship's area of operation and ship's tonnage, for Maritime Officers (Engineering), for the classified ship's area of operation and ship's propulsion power output, for Maritime Officer (Navigation on Fishing vessels), for the classified ship's area of operation and ship's length according to his/her sea-going service.
- (3) Immediately after paragraph 8, there shall be added the following paragraph 9:
 - (9) The Minister of Land, Infrastructure, Transport and Tourism shall, whenever application for the certificate of a Maritime Officer (Navigation on Fishing vessels) is made by a person who has a certificate of Maritime Officer (Navigation) of the equivalent or higher grade and also has had sea-going service as prescribed in an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, grant a certificate for a Maritime Officer (Navigation on Fishing vessels).
- 6. Article 12 of the Law for Ships' Officers and Boats' Operators shall be replaced with the following:
 - (12) The examination shall be carried out by the Minister of Land, Infrastructure, Transport and Tourism separately on each qualification specified under Subparagraphs 1 to 5, Paragraph 1 of Article 5 (on duties as well as each qualification in the case when Limitation to Navigational Watchkeeping or the Limitation to Engineering Watchkeeping is to be imposed as to the certification, on kind of engine as well as each qualification in cases when the Limitation on Kind of Engine is to be imposed).
- 7. Paragraph 1 of Article 14 of the Law for Ships' Officers and Boats' Operators shall be replaced with the following:
 - (1) A candidate shall not be allowed to take the Examination unless he or

she has had sea-going service for a sufficient period as prescribed in an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism according to each qualification specified in Subparagraphs 1 to 5, Paragraph 1 of Article 5 (as well as to each kind of duty regarding kind of ship's engine and to the certification with the Limitation to Navigational Watchkeeping, the Limitation to Engineering Watchkeeping, or the Limitation on Kind of Engine), except that part of the theoretical examination as provided for in this Ordinance.

8. Paragraph 1 of Article 23 of the Law for Ships' Officers and Boats' Operators shall be replaced with the following:

(1) Notwithstanding the provision of Paragraph 1 of Article 4, anyone who has a Certificate of Competency for navigation of ships or operation of engines issued by any country which is a Party to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 or the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessels Personnel, 1995 (the conventions shall be hereinafter referred to as "the STCW Convention" and "the STCW-F Convention" respectively, and such a certificate shall be hereinafter referred to as the "Certificate of Competency issued by a Party") and has obtained approval from the Minister of Land, Infrastructure, Transport and Tourism may serve as a ship officer.

9. Article 29-3 of the Law for Ships' Officers and Boats' Operators shall be amended as follows:

(1) Subparagraph 1 of Paragraph 1 shall be replaced with the following:

(1) Ships of Parties to the STCW Convention (excluding fishing vessels)

That, of the ship's crew, persons who are required to hold appropriate and valid certificates corresponding to their qualifications in the STCW Convention, hold certificates of competency issued by a member country as appropriate, or substituting dispensations complying with the Convention and being issued by a member country.

(2) Subparagraph 2 of Paragraph 1 shall be replaced with the following:

(2) Ships of non-Parties to the STCW Convention (excluding fishing vessels)

That, of the ship's crew, if the STCW Convention applied, persons who should be required to hold certificates of competency under the preceding subparagraph have the knowledge and capability equal

to or higher than those who are entitled to the issuance of such certificates of competency.

- (3) Immediately after Subparagraph 2 of Paragraph 1, there shall be added the following paragraphs 3 and 4:

- (3) Fishing vessels of Parties to the STCW-F Convention

That, of the fishing vessel's crew, persons who are required to hold appropriate and valid certificates corresponding to their qualifications in the STCW-F Convention, hold certificates of competency issued by a member country as appropriate, or substituting dispensations complying with the Convention and being issued by a member country.

- (4) Fishing vessels of non-Parties to the STCW-F Convention

That, of the fishing vessel's crew, if the STCW-F Convention applied, persons who should be required to hold certificates of competency under the preceding subparagraph have the knowledge and capability equal to or higher than those who are entitled to the issuance of such certificates of competency.

- (4) Paragraph 2 shall be amended as follows:

- (2) The Minister of Land, Infrastructure, Transport and Tourism may, when he or she inspects a ship mentioned under Subparagraph 2 or 4 of the preceding paragraph, if he or she deems it necessary and to the extent deemed necessary, examine the crew of the ship for whether or not they have the knowledge and capability provided for in the same subparagraph.

10. Article 120-3 of the Mariners Law shall be amended as follows:

- (1) Immediately after Paragraph 1, there shall be added the following paragraph 2:

(2) The Minister of Land, Infrastructure, Transport and Tourism may have his staff inspect foreign ships prescribed in the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism while they are at a Japanese port, and determine whether or not the crew of the foreign ships meets the watchkeeping requirements prescribed under the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessels Personnel, 1995.

- (2) Paragraphs 2 to 6 shall be renumbered as 3 to 7.

- (3) Paragraph 3 shall be replaced with the following:

(3) The Minister of Land, Infrastructure, Transport and Tourism may, when he or she carries out an inspection mentioned under the

subparagraph 1 and 2, if he or she deems it necessary and to the extent deemed necessary, inspect the documents and other items on the ship, ask questions to the crew of the ship or examine for whether or not crew has the knowledge and proficiency provided for in the item 2 of the subparagraph 1.

(4) Paragraph 4 shall be replaced with the following:

(4) The Minister of Land, Infrastructure, Transport and Tourism shall, if he or she deems that the crew of a ship does not meet the requirements prescribed under the Maritime Labour Convention, 2006 or that the crew of a ship does not meet the requirements provided for under any one of the subparagraphs of Paragraph 1 or the requirement provided for under Paragraph 2 as a result of the inspection carried out according to the provision of the same paragraph, notify the Master of that ship to correct such a certification deficiency and to meet the requirements.

Cabinet Order to Amend Cabinet Order for the Enforcement of the Law for Ships' Officers and Boats' Operators (Law No.149 of 1951)

1. This Cabinet Order shall come into force on XXth of XXXX, 2021.
2. The purpose of this Cabinet Order is to amend Cabinet Order for the Enforcement of the Law for Ships' Officers and Boats' Operators.
3. Appended Table I shall be amended as follows:
 - (1) Paragraph 1 shall be amended as follows:
 - (1) Tables 1 and 2 shall apply to the ships other than those specified in Paragraphs 2, 5 to 8, and 15.
 - (2) Immediately after Paragraph 14, there shall be added paragraph 15 as follows:
 - (15) Table 10 shall apply to fishing vessels specified in Paragraph 7, Article 2 of the Law.
 - (3) Item 1 shall be replaced with the following:
 1. Deck department for ships other than fishing vessels

Ship		Ship officer	Qualification
Ship that navigates on smooth waters	Tonnage of less than 200	Master	Sixth Grade Maritime Officer (Navigation)
	Tonnage of 200-1600	Master	Fifth Grade Maritime Officer (Navigation)
	Tonnage of 1600 or more	Master	Fourth Grade Maritime Officer (Navigation)
First officer		Fifth Grade Maritime Officer (Navigation)	
Ship that navigates on coastal areas	Tonnage of less than 200	Master	Sixth Grade Maritime Officer (Navigation)
	Tonnage of 200-500	Master	Fifth Grade Maritime Officer (Navigation)
		First officer	Sixth Grade Maritime Officer (Navigation)
	Tonnage of 500-1600	Master	Fourth Grade Maritime Officer (Navigation)
		First officer	Fifth Grade Maritime Officer (Navigation)
	Tonnage of 1600 or more	Master	Third Grade Maritime Officer (Navigation)
		First officer	Fourth Grade Maritime Officer (Navigation)
	Ship that navigates on Greater Coasting Area	Tonnage of less than 200	Master
Tonnage of 200-500		Master	Fourth Grade Maritime Officer (Navigation)
		First officer	Fifth Grade Maritime Officer (Navigation)
Tonnage of 500-1600		Master	Third Grade Maritime Officer (Navigation)
		First officer	Fourth Grade Maritime Officer (Navigation)
		Second officer	Fifth Grade Maritime Officer (Navigation)
Tonnage of 1600-5000		Master	Third Grade Maritime Officer (Navigation)
		First officer	Fourth Grade Maritime Officer (Navigation)
		Second officer	Fifth Grade Maritime Officer (Navigation)
		Third officer	Fifth Grade Maritime Officer (Navigation)
Tonnage of 5000 or more		Master	First Grade Maritime Officer (Navigation)
		First officer	Third Grade Maritime Officer (Navigation)
		Second officer	Fourth Grade Maritime Officer (Navigation)

Ship that navigates on Ocean Going Areas-	Tonnage of less than 200	Third officer	Fifth Grade Maritime Officer (Navigation)
		Master	Fourth Grade Maritime Officer (Navigation)
		First officer	Fifth Grade Maritime Officer (Navigation)
	Tonnage of 200-500	Master	Third Grade Maritime Officer (Navigation)
		First officer	Fourth Grade Maritime Officer (Navigation)
		Second officer	Fifth Grade Maritime Officer (Navigation)
	Tonnage of 500-1600	Master	Second Grade Maritime Officer (Navigation)
		First officer	Third Grade Maritime Officer (Navigation)
		Second officer	Fourth Grade Maritime Officer (Navigation)
	Tonnage of 1600-5000	Master	Second Grade Maritime Officer (Navigation)
		First officer	Second Grade Maritime Officer (Navigation)
		Second officer	Third Grade Maritime Officer (Navigation)
		Third officer	Fourth Grade Maritime Officer (Navigation)
	Tonnage of 5000 or more	Master	First Grade Maritime Officer (Navigation)
		First officer	Second Grade Maritime Officer (Navigation)
		Second officer	Third Grade Maritime Officer (Navigation)
Third officer		Third Grade Maritime Officer (Navigation)	

(4) Immediately after Item 9, there shall be added the following Item 10:
10. Deck department for fishing vessels

Ship	Ship officer	Qualification	
Ship that navigates on smooth waters	Length of less than 18	Master Sixth Grade Maritime Officer (Navigation on Fishing vessels)	
	Length of 18-45	Master Fifth Grade Maritime Officer (Navigation on Fishing vessels)	
	Length of 45 or more	Master	Fourth Grade Maritime Officer (Navigation on Fishing vessels)
First officer		Fifth Grade Maritime Officer (Navigation on Fishing vessels)	
Fishing vessel that operates within Area B	Length of less than 18	Master Fifth Grade Maritime Officer (Navigation on Fishing vessels)	
	Length of 18-24	Master	Fourth Grade Maritime Officer (Navigation on Fishing vessels)
		First officer	Fifth Grade Maritime Officer (Navigation on Fishing vessels)
	Length of 24-45	Master	Third Grade Maritime Officer (Navigation on Fishing vessels)
		First officer	Fourth Grade Maritime Officer (Navigation on Fishing vessels)
		Second officer	Fifth Grade Maritime Officer (Navigation on Fishing vessels)
	Length of 45-90	Master	Third Grade Maritime Officer (Navigation on Fishing vessels)
		First officer	Fourth Grade Maritime Officer (Navigation on Fishing vessels)
		Second officer	Fifth Grade Maritime Officer (Navigation on Fishing vessels)
		Third officer	Fifth Grade Maritime Officer (Navigation on Fishing vessels)
	Length of 45 or more	Master First Grade Maritime Officer (Navigation on Fishing vessels)	

		First officer	Third Grade Maritime Officer (Navigation on Fishing vessels)
		Second officer	Fourth Grade Maritime Officer (Navigation on Fishing vessels)
		Third officer	Fifth Grade Maritime Officer (Navigation on Fishing vessels)
Fishing vessel that operates within Area A	Length of less than 18	Master	Fourth Grade Maritime Officer (Navigation on Fishing vessels)
		First officer	Fifth Grade Maritime Officer (Navigation on Fishing vessels)
	Length of 18-24	Master	Third Grade Maritime Officer (Navigation on Fishing vessels)
		First officer	Fourth Grade Maritime Officer (Navigation on Fishing vessels)
		Second officer	Fifth Grade Maritime Officer (Navigation on Fishing vessels)
	Length of 24-45	Master	Second Grade Maritime Officer (Navigation on Fishing vessels)
		First officer	Third Grade Maritime Officer (Navigation on Fishing vessels)
		Second officer	Fourth Grade Maritime Officer (Navigation on Fishing vessels)
	Length of 45-90	Master	Second Grade Maritime Officer (Navigation on Fishing vessels)
		First officer	Second Grade Maritime Officer (Navigation on Fishing vessels)
		Second officer	Third Grade Maritime Officer (Navigation on Fishing vessels)
		Third officer	Fourth Grade Maritime Officer (Navigation on Fishing vessels)
	Length of 90 or more	Master	First Grade Maritime Officer (Navigation on Fishing vessels)
		First officer	Second Grade Maritime Officer (Navigation on Fishing vessels)
		Second officer	Third Grade Maritime Officer (Navigation on Fishing vessels)
		Third officer	Third Grade Maritime Officer (Navigation on Fishing vessels)

Ordinance to Amend Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators (Ordinance of the Ministry of Transport No.149 of 1951) and Ordinance for the Enforcement of the Mariners Law (Ordinance of the Ministry of Transport No.23 of 1947)

1. This Ordinance shall come into force on XXth of XXXX, 2021.
2. The purpose of this Ordinance is to amend Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators and Ordinance for the Enforcement of the Mariners Law.
3. Paragraph 1, Article 2 of Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators shall be replaced as follows:
 - (1) For the purpose of Paragraph 1, Article 2 of the Law, the ships other than Japanese ships to be specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism shall be ships of Party to the STCW Convention and the STCW-F Convention.
4. Article 3 of Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators shall be amended as follows:
 - (1) Paragraph 1 shall be replaced with the following:
 - (1) An applicant for a license for maritime officers specified in Subparagraph 1 to 4, Paragraph 1, Article 5 of the Law shall submit an application on Form No. 2 and the following documents to the Minister of Land, Infrastructure, Transport and Tourism via the nearest District Transport Bureau, branch of the Bureau, or maritime office (hereinafter called the "District Transport Bureau or the like") designated by the Minister of Land, Infrastructure, Transport and Tourism.
 - (2) Immediately after paragraph 2, there shall be added the following paragraphs 3 and 4:
 - (3) An applicant for a certificate for maritime officers specified in Subparagraph 5, Paragraph 1, Article 5 of the Law shall submit an application on Form No. 2 and the following documents to the Minister of Land, Infrastructure, Transport and Tourism via the nearest District Transport Bureau or the like designated by the Minister of Land, Infrastructure, Transport and Tourism:
 - (1) certificate of Maritime Officer (Navigation) of the equivalent or higher grade; and
 - (2) document certifying seagoing service on board fishing vessels with length of 12 meters or more

(4) Sea-going service specified in the preceding paragraph shall be one of the experiences listed in Item 5 of Appended Table V according to the kind of certification.

5. Paragraph 1 of Article 3-2 of Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators shall be replaced with the following:

(1) A person who intends to obtain a license for maritime officers of qualifications listed in the first column of following table shall complete training programs listed in the second column of the said table and conducted by the Registered Organization of License Course for Maritime Officers. If the person has already completed some training courses to obtain another license for maritime officers, the person needs not to complete them.

Qualification	Training course
Third grade maritime officers (Navigation)	Radar observer course, radar and ARPA simulator course, lifesaving course, firefighting course, advanced navigation English course prevention of marine pollution prevention of shipboard accidents
Fourth grade maritime officers (Navigation) Fifth grade maritime officers (Navigation)	Radar observer course, radar and ARPA simulator course, lifesaving course, firefighting course, navigation English course prevention of marine pollution prevention of shipboard accidents
Sixth grade maritime officers (Navigation)	Radar observer course, lifesaving course, firefighting course prevention of marine pollution prevention of shipboard accidents
Third grade maritime officers (Engineering)	Engineering lifesaving course, firefighting course, advanced engineering English course prevention of marine pollution prevention of shipboard accidents
Fourth grade maritime officers (Engineering) Fifth grade maritime officers (Engineering)	Engineering lifesaving course, firefighting course, engineering English course prevention of marine pollution prevention of shipboard accidents
Sixth grade maritime officers (Engineering)	Engineering lifesaving course, firefighting course prevention of marine pollution prevention of shipboard accidents
First grade maritime officers (Radio) Second grade maritime officers (Radio) Third grade maritime officers (Radio) First grade maritime officers (Radio electronics) Second grade maritime officers (Radio electronics) Third grade maritime officers (Radio	Lifesaving course, firefighting course prevention of marine pollution prevention of shipboard accidents

electronics) Fourth grade maritime officers (Radio electronics)	
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6. Paragraph 1, Article 4 of Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators shall be replaced with the following:
 - (1) The limitation by experience provided for in Paragraph 2, Article 5 of the Law shall be placed on a license for maritime officers (Navigation), maritime officers (Engineering) or maritime officers (Navigation on Fishing vessels) concerning ship officers' jobs specified in the right column of Appended Table II according to the category listed in the left column and in accordance with a shortage of the required service period specified in the central column.
7. Article 6 of Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators shall be amended as follows:
 - (1) Paragraph 1 shall be replaced with the following:
 - (1) The form for the certificate of competency for the qualification specified in Subparagraph 1 to 4, Paragraph 1, Article 5 of the Law shall be Form No. 4.
 - (2) Immediately after Paragraph 1, there shall be added the following paragraph 2:
 - (2) The form for the certificate of competency for the qualification specified in Subparagraph 5, Paragraph 1, Article 5 of the Law shall be Form No. 4-1.
8. Article 9-3 of Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators shall be amended as follows:
 - (1) Immediately after Subparagraph 3 of Paragraph 1, there shall be added the following subparagraph 4:
 - (4) Maritime officers (Navigation on Fishing vessels): master or deck officer on board fishing vessels of 24 meters or more
9. Paragraph 1, Article 9-4 of Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators shall be replaced with the following:
 - (1) A person who intends to apply for renewal of the Certificates of Competency shall complete trainings listed in the second column of the following table, according to the type of qualifications listed in the first column of the said table, and conducted by the Registered Organization of Renewal Course for Certificates of Competency within three months before the date of applying for renewal of the Certificates of Competency term pursuant to the provisions of the Subparagraph 1 of next article or Paragraph 1, 2 and 3 of Article 9-5-3.

First grade maritime officers (Navigation), Second grade maritime officers (Navigation), Third grade maritime officers (Navigation), Navigational watchkeeping third grade maritime officers (Navigation), First grade maritime officers (Navigation on Fishing vessels), Second grade maritime officers (Navigation on Fishing vessels) and Third grade maritime officers (Navigation on Fishing vessels)	Advanced navigation training for renewal course
Fourth grade maritime officers (Navigation), Fifth grade maritime officers (Navigation), Sixth grade maritime officers (Navigation) Fourth grade maritime officers (Navigation on Fishing vessels), Fifth grade maritime officers (Navigation on Fishing vessels) and Sixth grade maritime officers (Navigation on Fishing vessels)	Navigation training for renewal course
(Omit)	(Omit)
(Omit)	(Omit)
(Omit)	(Omit)

10. Article 65-5 of Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators shall be replaced with the following:

(1) A certificate of recognition shall be in Form No. 16 and No. 16-2.

11. Article 147 of Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators shall be amended as follows:

(1) Paragraph 1 shall be replaced with the following:

(1) For the purpose of Paragraph 1, Article 29-3 of the Law, the ships to be specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism shall, for the application of Subparagraph 1 and 2, be ships other than those listed in Article 3 (a) to (d) of the STCW Convention.

(2) Immediately after Paragraph 1, there shall be added the following paragraph 2:

(2) For the purpose of Paragraph 1, Article 29-3 of the Law, the ships to be specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism shall, for the application of Subparagraph 3 and 4, be fishing vessels prescribed in Article 2 (7) of the STCW-F Convention.

12. Appended Table II of Ordinance for the Enforcement of the Law for Ships'

Officers and Boats' Operators shall be amended as follows:

(1) Item 1 shall be amended as follows:

(1) Maritime officers (Navigation)

Ship	Period of Service	Kind of service
Ship of less than 200 gross tons (restricted to ships licensed to navigate in Ocean Going Areas)	One year	Ship officer except master
Ship of 200 gross tons or more but less than 1600 gross tons (excluding ships licensed to navigate in smooth water areas)	Three years (or two years in the case of persons with service experience as master or first grade officer for one year or more)	Ship officer except master
Ship of 1600 gross tons or more (excluding ships licensed to navigate in smooth water areas)	One year	Ship officer except master or chief mate
	Three years (or two years in the case of persons with service experience as a master or first grade officer for one year or more)	Ship officer except master

(2) Immediately after Item 2, there shall be added the following Item 3:

(3) Maritime officers (Navigation on Fishing vessels)

Ship	Period of Service	Kind of service
Fishing vessel with length of less than 24 meters operating in Area B or Area A	One year	Ship officer except master
Fishing vessel with length of 24 meters or more but less than 45 meters (excluding fishing vessels operating in smooth water areas)	Three years (or two years in the case of persons with service experience as a master for one year or more)	Ship officer except master
Fishing vessel with length of 45 meters or more (excluding fishing vessels operating in smooth water areas) (a)	Three years (or two years in the case of persons with service experience as a master for one year or more)	Ship officer except master

13. Appended Table V of Ordinance for the Enforcement of the Law for Ships'

Officers and Boats' Operators shall be amended as follows:

(1) The title of the appended table shall be amended to Appended Table V (related to Article 3, Article 25, Article 27-3, Article 28, and Article 31)

(2) Immediately after Item 4, there shall be added the following item 5:

(5) Certification for maritime officers (Navigation on Fishing vessels)

Kind of certification for maritime officers	Sea-going service			
	Ship	Period	Qualification	Duty
Sixth Grade Maritime Officer (Navigation on	Fishing vessel with length of 12 meters or more	Six months or more		Navigation of a ship

Fishing vessels)	Ship, other than fishing vessel, of five gross tons or more	Two years or more		Navigation of a ship
Fifth Grade Maritime Officer (Navigation on Fishing vessels)	Fishing vessel with length of 12 meters or more	Two years or more		Navigation of a ship
		One year or more	Sixth Grade Maritime Officer (Navigation on Fishing vessels)	Master or Officer
	Ship, other than fishing vessel, of 10 gross tons or more	Three years or more		Navigation of a ship
	Ship, other than fishing vessel, of 20 gross tons or more	One year or more	Sixth Grade Maritime Officers (Navigation)	Master or officer
Fourth Grade Maritime Officer (Navigation on Fishing vessels)	Fishing vessel with length of 12 meters or more	Two year or more		Navigation of a ship
		One year or more	Fifth Grade Maritime Officer (Navigation on Fishing vessels)	Master or Officer
	Ship, other than fishing vessel, of 200 gross tons or more licensed to navigate in smooth water areas; or ship, other than fishing vessel, of 20 gross tons or more licensed to navigate in extended Coasting Area, extended Greater Coasting Area	Three years or more		Navigation of a ship
		One year or more	Fifth Grade Maritime Officers (Navigation)	Master or officer
Third Grade Maritime Officer (Navigation on Fishing vessels)	fishing vessel with length of 12 meters or more operating in Area B or Area A	Two years or more		Navigation of a ship
		One years or more	Fourth Grade Maritime Officer (Navigation on Fishing vessels)	Master or Officer

	Ship, other than fishing vessel, of 1,600 gross tons or more licensed to navigate in extended Coasting Area; or ship, other than fishing vessel, of 20 gross tons or more licensed to navigate in extended Greater Coasting Area or Ocean Going Areas;	Three years or more		Navigation of a ship
	Ship, other than fishing vessel, of 500 gross tons or more licensed to navigate in extended Coasting Area; or ship, other than fishing vessel, of 20 gross tons or more licensed to navigate in extended Greater Coasting Area or Ocean Going Areas;	Two years or more	Fourth Grade Maritime Officers (Navigation)	Officer (except chief mate)
	Ship, other than fishing vessel, of 200 gross tons or more licensed to navigate in extended Coasting Area; or ship, other than fishing vessel, of 20 gross tons or more licensed to navigate in extended Greater Coasting Area or Ocean Going Areas;	One year or more	Fourth Grade Maritime Officers (Navigation)	Master or chief mate
Second Grade Maritime Officer (Navigation on Fishing vessels)	fishing vessel with length of 24 meters or more operating in Area B or Area A	One years or more	Third Grade Maritime Officer (Navigation on Fishing vessels)	Navigation of a ship
	fishing vessel with length of 12 meters or more but less than 24 meters operating in Area B or Area A	Two years or more	Third Grade Maritime Officer (Navigation on Fishing vessels)	Master or Officer

	Ship, other than fishing vessel, of 1,600 gross tons or more licensed to navigate in extended Coasting Area; or ship, other than fishing vessel, of 500 gross tons or more licensed to navigate in extended Greater Coasting Area or Ocean Going Areas;	One year or more	Third Grade Maritime Officers (Navigation)	Master or Officer
	Ship, other than fishing vessel, of 200 gross tons or more but less than 500 gross tons licensed to navigate in extended Greater Coasting Area or Ocean Going Areas;	Two years or more	Third Grade Maritime Officers (Navigation)	Master or officer
First Grade Maritime Officer (Navigation on Fishing vessels)	fishing vessel with length of 45 meters or more operating in Area B; or fishing vessels with length of 24 meters or more operating in Area A	Two years or more	Second Grade Maritime Officer (Navigation on Fishing vessels)	Officer
		One year or more	Second Grade Maritime Officer (Navigation on Fishing vessels)	Master or Officer
	Ship, other than fishing vessel, of 5,000 gross tons or more licensed to navigate in extended Coasting Area; ship, other than fishing vessel, of 1,600 gross tons licensed to navigate in extended Greater Coasting Area; or ship of 500 gross tons or more licensed to navigate in Ocean Going Areas;	Two years or more	Second Grade Maritime Officers (Navigation)	Officer (except master and chief mate)

14. Item (1) of Appended Table VIII of Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators shall be replaced with the

following:

- (1) First grade maritime officers (Navigation) examination, second grade maritime officers (Navigation) examination, third grade maritime officers (Navigation) examination, fourth grade maritime officers (Navigation) examination, fifth grade maritime officers (Navigation) officer, sixth grade maritime officers (Navigation) examination, and watchkeeping third grade maritime officers (Navigation) examination.
 1. Subjects concerning navigation
 - (a) Nautical instruments
 - (b) Navigational aids (excluding first grade maritime officers (Navigation) examination)
 - (c) Charts and publications (excluding first grade maritime officers (Navigation) examination and second grade maritime officers (Navigation) examination)
 - (d) Tides and currents (excluding first grade maritime officers (Navigation) examination and second grade maritime officers (Navigation) examination)
 - (e) Geo-navigation
 - (f) Celestial navigation (excluding sixth grade maritime officers (Navigation) examination)
 - (g) Radio navigation
 - (h) Navigation Plan (excluding examination for Navigational Watchkeeping Third Grade Maritime Officer (Navigation)).
 2. Subjects concerning seamanship
 - (a) Ship construction, equipment and facilities, stability, and damage control for both merchant ships and fishing vessels (ship construction, stability, and damage control for first grade maritime officers (Navigation) examination; ship construction, equipment and facilities, and stability for sixth grade maritime officers (Navigation) examination and navigational watchkeeping third grade maritime officers examination)
 - (b) Watchkeeping (excluding first grade maritime officers (Navigation) examination and second grade maritime officers (Navigation) examination)
 - (c) Weather and oceanographic constructions
 - (d) Ship maneuver
 - (e) Ship's power plant (excluding navigational watchkeeping third grade maritime officers examination)

- (f) Cargo and catch handling and stowage (excluding first grade maritime officers (Navigation) examination)
 - (g) Handling emergency
 - (h) Medical care (excluding first grade maritime officers (Navigation) examination)
 - (i) Search and rescue (excluding first grade maritime officers (Navigation) examination)
 - (j) Ship reporting system (excluding examinations for First Grade Maritime Officer (Navigation) and Second Grade Maritime Officer (Navigation))
3. Subjects concerning laws and regulations
- (a) Law for Preventing Collisions at Sea, Maritime Traffic Safety Law, Port Regulation Law, and orders based on the foregoing
 - (b) Mariners Law and orders based on the Law
 - (c) Law for Ships' Officers and Boats' Operators, Marine Accident Inquiry Law, and orders based on the Law
 - (d) Ship Law, Law on Tonnage Measurement of Ship, Ship Safety Law, and orders based on the foregoing (Law on Tonnage Measurement of Ship, Ship Safety Law, and orders based on the foregoing for first grade maritime officers (Navigation) examination and second grade maritime officers (Navigation) examination; Ship Law, Ship Safety Law, and orders based on the foregoing for fourth grade maritime officers (Navigation) examination, fifth grade maritime officers (Navigation) examination, sixth grade maritime officers (Navigation) examination, and navigational watchkeeping third grade maritime officers examination)
 - (e) Law relating to the Prevention of Marine Pollution and Maritime Disasters and orders based on the foregoing
 - (f) Quarantine Law and orders based on the Law
 - (g) Pilotage Law and orders based on the act (restricted to first grade maritime officers (Navigation) examination, second grade maritime officers (Navigation) examination, and third grade maritime officers (Navigation) examination)
 - (h) Customs Law (restricted to first grade maritime officers (Navigation) examination, second grade maritime officers (Navigation) examination, and third grade maritime officers (Navigation) examination)
 - (i) Laws relating to Territorial Waters (restricted to first grade

- maritime officers (Navigation) examination and second grade maritime officers (Navigation) examination)
- (j) Marine Law (restricted to first grade maritime officers (Navigation) examination, second grade maritime officers (Navigation) examination, and third grade maritime officers (Navigation) examination)
 - (k) Public International Law (excluding sixth grade maritime officers (Navigation) examination)
4. Subjects concerning English (excluding sixth grade maritime officers (Navigation) examination)

15. Form No. 2 of Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators shall be replaced with the following:

Form No.2 (related to Article 3)

Application for a License for Maritime Officers	
1. Kind of License	
- Navigation	<input type="checkbox"/> 1st Grade <input type="checkbox"/> 2nd Grade <input type="checkbox"/> 3rd Grade <input type="checkbox"/> 4th Grade <input type="checkbox"/> 5th Grade <input type="checkbox"/> 6th Grade
- Engineering	<input type="checkbox"/> 1st Grade <input type="checkbox"/> 2nd Grade <input type="checkbox"/> 3rd Grade <input type="checkbox"/> 4th Grade <input type="checkbox"/> 5th Grade <input type="checkbox"/> 6th Grade
- Radio	<input type="checkbox"/> 1st Grade <input type="checkbox"/> 2nd Grade <input type="checkbox"/> 3rd Grade
- Radio Electronics	<input type="checkbox"/> 1st Grade <input type="checkbox"/> 2nd Grade <input type="checkbox"/> 3rd Grade <input type="checkbox"/> 4th Grade
- Navigation on Fishing Vessels	<input type="checkbox"/> 1st Grade <input type="checkbox"/> 2nd Grade <input type="checkbox"/> 3rd Grade <input type="checkbox"/> 4th Grade <input type="checkbox"/> 5th Grade <input type="checkbox"/> 6th Grade
2. Examination ID	_____
3. Examination Number	_____
4. Place of Examination	_____
5. Name of Applicant	(1) Name: _____ (2) Address: _____ (3) Tel: _____
6. Date of Birth	_____
7. Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female
8. Seagoing Service	- Navigation <input type="checkbox"/> 1 year or more <input type="checkbox"/> 3 years or more - Engineering <input type="checkbox"/> 1 year or more <input type="checkbox"/> 2 years or more <input type="checkbox"/> 3 years or more - Navigation on Fishing <input type="checkbox"/> 1 year or more <input type="checkbox"/> 3 years or more
9. License Applicant already Has:	
- Navigation	<input type="checkbox"/> 1st Grade <input type="checkbox"/> 2nd Grade <input type="checkbox"/> 3rd Grade <input type="checkbox"/> 4th Grade <input type="checkbox"/> 5th Grade <input type="checkbox"/> 6th Grade
- Engineering	<input type="checkbox"/> 1st Grade <input type="checkbox"/> 2nd Grade <input type="checkbox"/> 3rd Grade <input type="checkbox"/> 4th Grade <input type="checkbox"/> 5th Grade <input type="checkbox"/> 6th Grade
- Radio	<input type="checkbox"/> 1st Grade <input type="checkbox"/> 2nd Grade <input type="checkbox"/> 3rd Grade
- Radio Electronics	<input type="checkbox"/> 1st Grade <input type="checkbox"/> 2nd Grade <input type="checkbox"/> 3rd Grade <input type="checkbox"/> 4th Grade
- Navigation on Fishing Vessels	<input type="checkbox"/> 1st Grade <input type="checkbox"/> 2nd Grade <input type="checkbox"/> 3rd Grade <input type="checkbox"/> 4th Grade <input type="checkbox"/> 5th Grade <input type="checkbox"/> 6th Grade
- Boat Operator	<input type="checkbox"/> 1st Grade <input type="checkbox"/> 2nd Grade
10. (Omit)	
11. Date of Application	_____
12. (Omit)	
13. (Omit)	
14. (Omit)	
15. (Omit)	

16. Form No. 3 of Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators shall be replaced with the following:

Form No.3 (related to Article 4-2)

Application to Change or Remove the Limitations by Experience	
Kind of License	_____
1. License Number	_____
2. Name of Applicant	(1) Name: _____ (2) Address: _____ (3) Tel: _____
3. Date of Birth	_____
4. Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female
5. Registered Domicile	_____
6. Nationality	_____
7. Seagoing Service	- Navigation <input type="checkbox"/> 1 year or more <input type="checkbox"/> 3 years or more - Engineering <input type="checkbox"/> 1 year or more <input type="checkbox"/> 2 years or more <input type="checkbox"/> 3 years or more - Navigation on Fishing <input type="checkbox"/> 1 year or more <input type="checkbox"/> 3 years or more
8. Application Date	_____
9. (Omit)	
10. (Omit)	
11. (Omit)	

18. Immediately after Form No. 16 of Ordinance for the Enforcement of the Law for Ships' Officers and Boats' Operators, there shall be added the following Form No. 16-2:

Form No. 16-2 (related to Article 95-5)

締約国資格受有者承認証

CERTIFICATE ATTESTING THE RECOGNITION OF THE COMPETENCY OF THE HOLDER OF A CERTIFICATE ISSUED BY A PARTY TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR FISHING VESSEL PERSONNEL, 1995 (THE STCW-F CONVENTION)

日本国政府
THE GOVERNMENT OF JAPAN

船舶職員及び小型船舶操縦者法（昭和26年法律第149号）第23条第7項において準用する第7条第1項の規定により交付する。
This Certificate is issued in accordance with the provision of paragraph 1, Article 7 of the Law for Ships' Officers and Boats' Operators, 1951 which apply mutatis mutandis pursuant to paragraph 7, Article 23 of the said Law.

国土交通大臣 印
Minister of Land, Infrastructure, Transport and Tourism

（裏）

<p>承認証番号 Certificate No. _____</p> <p>承認年月日 Date of recognition _____</p> <p>氏名(性別) Name (sex) _____</p> <p style="text-align: center;">(署名) (Signature)</p> <p>生年月日 Date of birth _____</p> <p>本籍又は国籍 Registered domicile or Nationality _____</p> <p>承認証交付年月日 Date of issue _____</p> <p>承認証有効期間満了日 Date of expiry _____</p> <p>受有締約国資格証明書 Certificate issued by a party to the STCW-F Convention</p> <p>発給国名 Issuing party _____</p> <p>証明書番号 Certificate No. _____</p> <p>証明書における就業範囲 Authorized capacity _____</p> <p>有効期間満了日 Date of expiry _____</p> <p>船舶職員及び小型船舶操縦者法第23条第1項の規定により、上記の者が船舶職員になることを承認する。 It is hereby recognized that the above-mentioned person may serve as Ships' Officer in the following capacity in accordance with the provision of paragraph 1, Article 23 of the Law for Ships' Officers and Boats' Operators, 1951.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">就業範囲 Authorized capacity</th> <th style="width: 50%;">制限事項 LIMITATIONS APPLYING</th> </tr> </thead> <tbody> <tr> <td style="height: 40px;"></td> <td></td> </tr> </tbody> </table> <p>備考 Note 有効期限内であっても、締約国資格証明書が効力を失ったときには、この承認証も効力を失う。 If the above-mentioned certificate issued by the party expires, this certificate shall also expire in spite of the available period of it.</p>	就業範囲 Authorized capacity	制限事項 LIMITATIONS APPLYING			<p style="text-align: center;">公印の裏 JAPAN</p> <p>ENDORSEMENT ATTESTING THE RECOGNITION OF A CERTIFICATE UNDER THE PROVISIONS OF THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SHIPPING VESSEL PERSONNEL, 1995</p> <p>The Government of JAPAN certifies that Certificate No. _____ issued to _____ by or on behalf of the Government of _____ is duly recognized in accordance with the provisions of regulation 1/7 of above Convention until _____</p> <p>The lawful holder of this endorsement may serve in the following capacity or capacities specified in the applicable safe manning requirements of the Administration:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">CAPACITY</th> <th style="width: 50%;">LIMITATIONS APPLYING</th> </tr> </thead> <tbody> <tr> <td style="height: 40px;"></td> <td></td> </tr> </tbody> </table> <p>Note</p> <p>Endorsement No. _____ Issued on _____</p> <p style="text-align: center;">公印の裏 国土交通大臣 印 Minister of Land, Infrastructure, Transport and Tourism</p> <p>Date of birth of the holder of the certificate: _____</p> <p>Signature of the holder of the certificate: _____ (署名) (Signature)</p>	CAPACITY	LIMITATIONS APPLYING		
就業範囲 Authorized capacity	制限事項 LIMITATIONS APPLYING								
CAPACITY	LIMITATIONS APPLYING								

19. Article 78-2-5 of Ordinance for the Enforcement of the Mariners Law shall be amended as follows:

(1) Paragraph 1 shall be replaced with the following:

(1) For the purpose of Paragraph 1, Article 120-3 of the Law, the ships to be specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism shall be ships other than those listed in Article 3 (a) to (d) of the STCW Convention.

(2) Immediately after Paragraph 1, there shall be added the following paragraph 2:

(2) For the purpose of Paragraph 2, 120-3 of the Law, the ships to be specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism shall be ships prescribed in paragraph 8, Article 2 of the STCW-F Convention.

Notification to Amend Standards on Navigational Watch (Notification of Ministry of Transport No. 704 of 1996)

1. This Notification shall come into force on XXth of XXXX, 2021.
2. Immediately after Subparagraph 4 of Paragraph II-1, there shall be added the following subparagraph 5:
 - (5) During being engaged in fishing or searching for fish (only applicable to fishing vessels)
 - 1) Personnel engaged in deck watchkeeping duties shall take into consideration the following factors acted properly:
 - a) other vessels engaged in fishing and their gear, own vessel's manoeuvring characteristics, particularly its stopping distance and the diameter of turning circle at sailing speed and with the fishing gear overboard;
 - b) safety of the crew on deck;
 - c) adverse effects on the safety of the vessel and its crew through reduction of stability and freeboard caused by exceptional forces resulting from fishing operations, catch handling and stowage, and unusual sea and weather conditions;
 - d) the proximity of offshore structures, with special regard to the safety zones; and
 - e) wrecks and other underwater obstacles which could be hazardous for fishing gear.
 - 2) When stowing the catch, attention shall be given to the essential requirements for adequate freeboard, adequate stability and watertight integrity at all times during the voyage to the landing port, taking into consideration consumption of fuel and stores, risk of adverse weather conditions and, especially in winter, risk of ice accretion on or above exposed decks in areas where ice accretion is likely to occur.