

1995 年漁船船員訓練、發證及當值標準國際公約

1995 年 7 月 7 日 訂於倫敦，2012 年 9 月 29 日生效

1995 International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F)

London 7 July 1995; Entered into Force 29 September 2012

STCW-F 1995

生效門檻：15 國 + 12 月

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簡介：IMO 原希望漁船船員之訓練發證等能比照 STCW 公約，然鑑於漁船產業之本質，因此於國際勞工組織及國際農糧組織之協同下，共同發展一獨立適用於漁船船員之訓練、發證及當值標準公約。

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THE PARTIES TO THIS CONVENTION,

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

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

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

HAVE AGREED as follows:

Article 1. General obligations

1. The Parties undertake to give effect to the provisions of the Convention and the annex thereto, which shall constitute an integral part of the Convention. Every reference to the Convention constitutes at the same time a reference to the annex thereto.
2. The Parties undertake to promulgate all laws, decrees, orders and regulations and to take all other steps which may be necessary to give the Convention full and complete effect, so as to ensure that, from the point of view of safety of life and property at sea and the protection of the marine environment, seagoing fishing vessel personnel are qualified and fit for their duties.

Article 2. Definitions

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

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

各締約國：

注意到『1978 年國際航海人員訓練、發證及當值標準公約』（以下簡稱『1978 年 STCW 公約』），

本著制訂一致同意受雇於漁船的船員培訓、發證及當值的國際標準，以進一步增進海上人命、財產的安全及保護海洋環境的願望，

考慮到達到此一目的最好方法為締結一項國際漁船船員培訓、發證及當值標準公約（以下簡稱『本公約』），

現經協議如下：

第 1 條 一般義務

1. 各締約國承擔義務實施本公約及其附則的各項規定，該附則為本公約的組成部分。凡引用本公約時，同時也就是引用該附則。
2. 各締約國承擔義務頒佈一切必要的法律、法令、命令及規則，並採取一切必要的其他措施，使本公約得以充分及完全實施，以便從海上人命及財產的安全以及保護海洋環境的觀點出發，保證海洋漁船船員是合格的並勝任其職責。

第 2 條 定義

除另有明文規定者外，就本公約而言：

1. “締約國”係指本公約已對其生效的國家；

2. *Administration* means the Government of the Party whose flag the vessel is entitled to fly.
 3. *Certificate* means a valid document, by whatever name it may be known, issued or recognized in accordance with the provisions of the Convention, authorizing the holder to serve as stated in this document or as authorized by national regulations.
 4. *Certificated* means properly holding a certificate.
 5. *Organization* means the International Maritime Organization.
 6. *Secretary-General* means the Secretary-General of the Organization.
 7. *Fishing vessel* or *vessel* means any vessel used commercially for catching fish or other living resources of the sea.
 8. *Seagoing fishing vessel* means a fishing vessel other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply.
- 2.“主管機關”係指船舶有權懸掛其國旗的締約國政府；
 - 3.“證書”係指依據本公約規定所簽發或所認可的，不論其名稱如何的一種有效文書，該文書許可其持證人擔任該文件所指定的或國家法規所規定的職務；
 - 4.“具有證書的”係指持有適當的證書；
 - 5.“本組織”係指國際海事組織；
 - 6.“秘書長”係指國際海事組織秘書長；
 - 7.“漁船”或“船舶”係指商業性捕魚或其他海洋生物資源所使用的任何船舶；
 - 8.“海洋漁船”係指除僅在內陸水域中，或者遮蔽水域或者港口規章所適用的區域內，或與此兩者緊鄰水域中航行以外的漁船。

Article 3. Application

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

第3條 適用範圍

本公約適用於有權懸掛締約國國旗的海洋漁船上工作的船員。

Article 4. Communication of information

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

1. a report on the measures it has taken to give full and complete effect to the provisions of the Convention, including a specimen of certificates issued in compliance with the Convention; and
2. other information which may be specified or provided for in regulation I/5.

第4條 資料交流

各締約國應向秘書長送交下列資料：

- 1.有關充分而有效地實施本公約各項規定所採取措施的報告，包括依照本公約所簽發的證書樣本；及
- 2.依規則 I/5 所列舉的或所規定的其他資料。

Article 5. Other treaties and interpretation

1. All prior treaties, conventions and arrangements relating to standards of training, certification and watchkeeping for fishing vessel personnel in force between the Parties, shall continue to have full and complete effect during the terms thereof as regards:
 1. fishing vessel personnel to whom this Convention does not apply; and
 2. fishing vessel personnel to whom this Convention applies, in respect of matters for which it has not expressly provided.
2. To the extent, however, that such treaties, conventions or arrangements conflict with the provisions of the Convention, the Parties shall review their commitments under such treaties, conventions and arrangements with a view to ensuring that there is no conflict between these commitments and their obligations under the Convention.
3. All matters which are not expressly provided for in the Convention remain subject to the legislation of Parties.

第5條 其他條約及解釋

- 1.締約國之間現行有效的一切以前的關於漁船船員培訓、發證及當值標準的條約、公約及協定，在其有效期間，對以下所述應繼續完全及充分有效：
 - 1.不適用本公約的漁船船員；及
 - 2.適用本公約的漁船船員，但本公約未予明文規定的事項。
- 2.但於這些條約、公約或協定與本公約規定相抵觸方面，各締約國應對其依這些條約、公約及協定所承擔的義務重新予以審查，以保證這些義務與其依據本公約所承擔的責任不相抵觸。
- 3.凡本公約中未予明文規定的事項，仍受締約國法規的約束。

Article 6. Certification

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

Article 7. National provisions

1. Each Party shall establish processes and procedures for the impartial investigation of any reported incompetency, act or omission, that may pose a direct threat to safety of life or property at sea or to the marine environment, by the holders of certificates or endorsements issued by that Party in connection with their performance of duties related to their certificates and for the withdrawal, suspension and cancellation of such certificates for such cause and for the prevention of fraud.
2. Each Party shall prescribe penalties or disciplinary measures for cases in which the provisions of its national legislation giving effect to this Convention are not complied with in respect of vessels entitled to fly its flag or of fishing vessel personnel duly certificated by that Party.
3. In particular, such penalties or disciplinary measures shall be prescribed and enforced in cases in which:
 1. an owner, owner's agent or skipper has engaged a person not holding a certificate as required by this Convention;
 2. a skipper has allowed any function or service in any capacity required by these regulations to be performed by a person holding an appropriate certificate to be performed by a person not holding an appropriate certificate or dispensation; or
 3. a person has obtained by fraud or forged documents an engagement to perform any function or serve in any capacity required by these regulations to be performed or filled by a person holding a certificate or dispensation.
4. A Party within whose jurisdiction there is based an owner or owner's agent or any person who is believed on clear grounds to have been responsible for, or to have knowledge of, any apparent non-compliance with the Convention specified in paragraph 3, shall extend all co-operation possible to any Party which advises it of its intention to initiate proceedings under its jurisdiction.

Article 8. Control

1. Fishing vessels, while in the port of another Party, are subject to control by officers duly authorized by that Party to verify that all persons serving on board who are required to be certificated by this Convention are so certificated or hold an appropriate dispensation.
2. In the event of failure to correct any deficiency referred to in paragraph 3 of regulation I/4 in so far as it poses a danger to persons, property or the environment, the Party carrying out the control shall take steps to ensure that the vessel will not sail unless and until these requirements are met to the extent that the

第 6 條 發證

漁船船員應依據本公約附則的各項規定予以發證。

第 7 條 國內規定

1. 每一締約國應建立訴訟及程序，以便對任何持證者，或由締約國所簽發的承擔有關職責的持證者，任何報告其不稱職、行為、或疏忽，從而威脅海上人命及財產的安全、或海洋環境等，予以進行公正的調查，以及因上述原因或防止欺詐行為，應予以撤回、停職及撤銷這些證書。
2. 任一締約國對有權懸掛其國旗的漁船，或由該締約國所簽發證書的漁船船員，不執行為實施本公約的國內法規時，應規定處罰或紀律措施。
3. 尤其是對下述情況，這些處罰或紀律措施應予以作出規定及執行：
 1. 船東、船東代理人或船長雇用未依公約要求持證的人員；
 2. 船長允許未持適當證書或特免證書人員履行應由持有適當證書人員履行本規則應具有能力的任何職務及工作；
 3. 以欺詐或偽造文件的人員從事應由持有證書或特免證書的人員所從事本規則應具有能力的任何職務及工作。
4. 某一締約國在其管轄內，確有明顯理由認為某一船東、或船東代理人、或任何人如本條第 3 項所列的明顯未依本公約應具有的職能或具有的知識，該締約國應同任何締約國擴大全面合作的可能，任何締約國在其管轄內需將其意旨於實施訴訟通知該締約國。

第 8 條 監督

1. 漁船在其他締約國的港口時，應受該締約國正式授權的官員的監督，以核實船上凡公約要求具有證書的所有人員均持有證書或適當的特免證明。
2. 依據規則 I/4 第 3 項的任何缺陷未能糾正，並危及人員、財產或環境時，執行監督的締約國應採取措施，務使符合這些要求，從而危險得以消除後，才准其開航、關於採取行動的實

danger has been removed. The facts concerning the action taken shall be reported promptly to the Secretary-General and to the Administration.

3. When exercising control:
 1. all possible efforts shall be made to avoid a vessel being unduly detained or delayed. If a vessel is unduly detained or delayed, it shall be entitled to compensation for any loss or damage resulting therefrom; and
 2. the discretion allowed in the case of the personnel of foreign fishing vessels shall not be less than that afforded to the personnel of vessels flying the flag of the port State.
4. This article shall be applied as may be necessary to ensure that no more favourable treatment is given to a vessel entitled to fly the flag of a non-Party than is given to a vessel entitled to fly the flag of a Party.

Article 9. Promotion of technical co-operation

1. Parties to the Convention shall promote, in consultation with and with the assistance of the Organization, support for those States which request technical assistance for the:
 1. training of administrative and technical personnel;
 2. establishment of institutions for training of fishing vessel personnel;
 3. supply of equipment and facilities for training institutions;
 4. development of adequate training programmes, including practical training on seagoing fishing vessels; and
 5. facilitation of other measures and arrangements to enhance the qualifications of fishing vessel personnel,preferably on a national, sub-regional or regional basis, to further the aims and purposes of the Convention, taking into account the special needs of developing countries in this regard.
2. On its part, the Organization shall pursue the aforesaid efforts, as appropriate, in consultation or association with other international organizations, particularly the International Labour Organization and the Food and Agriculture Organization of the United Nations.

Article 10. Amendments

1. The Convention may be amended by either of the procedures specified in this article.
2. Amendments after consideration within the Organization:
 1. Any amendment proposed by a Party shall be submitted to the Secretary-General, who shall then circulate it to all Members of the Organization, to all the Parties and to the Directors-General of the International Labour Office and of the Food and Agriculture Organization of the United Nations respectively, at least six months prior to its consideration.
 2. Any amendment proposed and circulated as above shall be referred to the Maritime Safety Committee of the Organization for consideration.

情，應立即報告秘書長及主管機關。

3. 當執行監督時：
 1. 應儘量避免使船舶受到不適當的扣留或延誤。如船舶受到不適當的扣留或延誤，則該船對此而引起的任何損失或損害，有權要求賠償；
 2. 酌情允許外國漁船船員不少於有權懸掛港口國國旗漁船的船員。
4. 本條規定應依據必要予以施行，以保證不給予有權懸掛非締約國國旗的船舶比有權懸掛締約國國旗的船舶更為優惠的待遇。

第 9 條 促進技術合作

1. 本公約締約國應與本組織協商，並在本組織的協助下，促進並支持對下述有技術援助要求的締約國：
 1. 培訓行政管理及技術人員；
 2. 建立漁船船員培訓機構；
 3. 供應培訓機構的設備及設施；
 4. 制訂適當的培訓計畫，包括在海洋漁船上的實際訓練；
 5. 促進提高漁船船員資歷的其他措施及安排。考慮到發展中國家在此方面的特殊需要，這些援助宜以國家、分區域或區域為基礎，以促進本公約的目的及宗旨。
2. 本組織方面，應依據情況與其他國際組織，特別是國際勞工組織及聯合國糧農組織進行協商或聯合，對以上所述作出努力。

第 10 條 修正

1. 本公約可依據本條規定的任一程序進行修正。
2. 經本組織審議後的修正：
 1. 一締約國提議的任何修正案，應提交給秘書長，後由秘書長至少在審議此修正案之前 6 個月分發給本組織所有成員國、所有締約國、國際勞工組織及聯合國糧農組織的總幹事；
 2. 依上述規定的提議及周知的任何修正案應提交給本組織海上安全委員會審議；