

Merchant Shipping (Standards of Training, Certification and Watchkeeping Convention) Regulations

Lead department	Department for Transport
Summary of measure	Implemented amendments to an international convention to address potential safety issues and seafarer training requirements.
Submission type	Post-implementation review
Implementation date	9 June 2015
Department recommendation	Amend
RPC reference	RPC-DfT-5169(1)
Opinion type	Formal
Date of issue	22 June 2022

RPC opinion

Rating¹	RPC opinion
Fit for purpose	The recommendation is supported by sufficient evidence and analysis. The PIR includes a detailed comparison of actual and expected costs to business.

¹ The RPC opinion rating is based on whether the evidence in the PIR is sufficiently robust to support the departmental recommendation, as set out in the [better regulation framework](#). The RPC rating will be fit for purpose or not fit for purpose.

RPC summary

Category	Quality ²	RPC comments
Recommendation	Green	The stronger evidence and analysis in the revised PIR provide a satisfactory basis for the recommendation.
Monitoring and implementation	Satisfactory	The PIR provides clearer information on the extent and variety of engagement with stakeholders. The PIR is based upon a proportionate level of evidence.
Evaluation	Good	The PIR now includes a thorough assessment of actual costs against those expected.

² The RPC quality ratings are used to indicate the quality and robustness of the evidence used to support different analytical areas. Please find the definitions of the RPC quality ratings [here](#).

Response to initial review

As originally submitted, the PIR was not fit for purpose because it failed to provide proportionate evidence and analysis of actual costs on business and did not address the accuracy of assumptions used in the original IA. The PIR, therefore, did not provide sufficient evidence and analysis to support the recommendation to provide (limited) amendments to the regulations.

The Department has now provided a detailed assessment of the outturn costs to business, providing comparisons against the estimates and assumptions in the IA. The revised PIR also addresses the other areas for improvement identified in the RPC's initial review, as detailed below.

Summary of proposal

The Merchant Shipping (Standards of Training, Certification and Watchkeeping Convention) Regulations 2015, ("the 2015 Regulations") implemented amendments to an international convention to address potential safety issues and seafarer training requirements. Implementation was also required by 2015 by EU Directive 2012/35/EU. The PIR lists six policy objectives of the 2015 Regulations, including that the UK can continue to issue internationally recognised seafarer certification and that training and certification standards in the UK allow UK trained seafarers and UK registered ships to continue to work and trade in international waters.

Recommendation

The stronger evidence and analysis in the revised PIR provide a firmer basis for the recommendation. The PIR also now provides more and clearer information of the nature of the amendments to the regulation.

Monitoring and implementation

Range of evidence

The PIR now provides more detailed and clearer information on the extent and variety of the MCA's consultation and engagement with stakeholders and affected parties (in particular, on page 3). This information appears to provide a suitable and proportionate level of evidence for the PIR. The PIR would benefit from providing any readily available further information on the comparative level of training requirements, standards and provision for officers and ratings in the UK and in competitor countries/flag carriers.

Evaluation

Original assumptions

The revised PIR now includes an assessment of costs incurred by business and compares these to the estimates in the IA. The PIR covers this in significant detail, providing an assessment against individual requirements (annex B, pages 14-19).

Overall, the PIR reports “observed” costs of £37.6 million over the period 2015-19, compared to £48.5 million in the IA. The difference is largely accounted for by estimated lower costs in relation to five-yearly refresher training (£26 million compared to £38 million), mainly driven by a new and more accurate measure of the number of seafarers affected. For many of the other requirements, estimates of actual costs were broadly in line with those estimated in the IA.

The assessment fully satisfies (and exceeds) the requirements set out for a measure of this level of impact in the RPC proportionality guidance³. It represents an example of best practice in the assessment of actual versus expected costs for a relatively low impact measure.

Policy objectives considered

The PIR has now clarified that the number of injuries and loss of life has decreased between the periods 2011-2015 and 2016-2020 (4th paragraph, page 8.) The PIR would benefit from considering the issue of fake certificates and issues around the checking being done by companies and Parties to the Convention, and the potential for this to undermine the system, undercut UK operators and present safety risks.

Improvements or alternatives considered

The PIR has now clarified that the consultation for the PIR did ask industry for evidence of potential burdens and unintended consequences but that no such information was provided. However, the PIR describes how a parallel wider seafarer cadet training review has identified 23 recommendations and how these will be taken forward (page 7).

The PIR discusses in more detail the Convention’s requirements and how they were implemented by the EU. It notes that the UK’s obligation in international law to implement the Convention remained after the UK’s exit from the EU. Although there is no longer a requirement to report UK seafarer and certification statistics to the European Commission, the IA notes that the same data needs to be reported to the Department for Business, Energy and Industrial Strategy under the Professional Qualifications Act 2022.

Small and microbusinesses (SMBs)

The revised PIR provides details of its consultation with small businesses. This notes that one of seven respondents raised concerns around restrictions on the ability to deliver certain type of courses. The MCA notes that the PIR’s findings have informed the plans to amend the regulations to enable training providers to utilise alternative training strategies, such as the use of online delivery or the use of simulators, and provide clearer guidance (page 6).

Regulatory Policy Committee

³ <https://www.gov.uk/government/publications/proportionality-in-regulatory-submissions-guidance> (page 16).

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