BILATERAL

UNDERTAKING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS CONCERNING THE RECOGNITION OF CERTIFICATES UNDER...

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The Government of the Republic of the Philippines and the Government of the Republic of the Marshall islands herein after referred to as the Contracting Parties;

DESIRING to promote good relations between them on the basis of equal partnership and mutual interests;

ACTING in accordance with the procedures referred to in Regulation I/10 of the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended in 1995;

HAVING REGARD to MSC Circular 950 on the Guidance of Arrangements Between Parties to the STCW Convention approved by the Maritime Safety Committee of the International Maritime Organization during its seventy-second session in May 2000;

Have agreed as follows:

ARTICLE 1

A. The Maritime Training Council (MTC), hereinafter referred to as "the Certificate Issuing Party", is the competent authority for the Republic of the Philippines. The Office of the Maritime Administrator, hereinafter referred to as the "Administration", is the competent authority for the Republic of the Marshall Islands.

B. The agencies acting for the Certificate Issuing Party responsible for the implementation of this Undertaking are the Professional Regulation Commission (PRC) for the Marine Officers and the Technical Education and Skills Development Authority (TESDA) for the ratings.

ARTICLE 2

A. The Administration has the right to make visits to facilities which may include observance of procedures or the review of the adopted policies, approved or employed by the Certificate Issuing Party;

B. In the exercise of this right, the Administration shall follow the following procedures:

i. a request to visit facilities shall be forwarded in writing, telefax or via E-mail by the Administration to the agency acting for the Certificate Issuing Party at least thirty (30) days before the intended visit;

ii. the request shall list the purposes which, in the view of the Administration, makes it necessary to carry out a visit;

iii. the request shall name the specific facility or facilities which the Administration intends to visit;

iv. the request shall contain the names of the officials taking part in the visit and their position in the

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Administration;

v. the purpose of the visit shall be limited to one or more of the following:

· standards of competence;

· the issue, endorsement, revalidation and revocation of certificates;

· record-keeping;

· standards of medical fitness; and

· communication and response process to requests for verifications.

ARTICLE 3

A. Appropriate certificates covered by this Undertaking are those issued and endorsed by the Certificate Issuing Party in compliance with the applicable regulation under Regulation I/2 of 1978 STCW, as amended.

B. Specimen certificates with endorsements covered by the Undertaking are attached to this document for identification.

ARTICLE 4

The Certificate Issuing Party shall make available to the Administration the results of the external audit reports on the quality standards evaluations conducted in accordance with paragraph 3, Section A-I/8 of the STCW Code.

ARTICLE 5

A. If the Administration, in accordance with Regulation I/9 of the 1978 SCTW Convention, as amended wants to verify the validity or contents of a certificate issued by the Certificate Issuing Party, it shall enter into contact in writing, by telefax or by E-mail or can be accessed through the website, with the Certificate Issuing Party or to a person or persons nominated by the CERIFICATE ISSUING PARTY.

B. The list of names and positions of persons nominated by the Certificate Issuing Party shall be communicated in writing to the Administration before the entry into force of this Undertaking.

C. Any change in the list persons nominated shall be forwarded to the Administration at the earliest opportunity.

D. The Administration shall communicate in writing, before the entry into force of this Undertaking, the list of persons and their position which the Administration has nominated to act on its behalf to carry out the verifications of the validity or contents of a certificate issued by the Certificate Issuing Party.

ARTICLE 6

The person nominated by the Certificate Issuing Party shall respond in writing, by telefax or E-mail to a request of the Administration for the verification of the validity or the contents of a certificate within three (3) working days.

ARTICLE 7

The Administration or the person nominated by the Administration shall within two (2) weeks notify the person nominated by the Certificate Issuing Party of any withdrawal or revocation of an endorsement or recognition issued by it.

ARTICLE 8

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The Certificate Issuing Party shall promptly notify the Administration of any significant changes in the arrangements for training and certification provided in compliance with the STCW Convention; such notification shall be given at least in the following circumstances:

A. changes in the position, address or access information for the agency responsible for the implementation of this Undertaking;

B. changes which amount to substantial differences in the information communicated to the Secretary General of IMO pursuant to Section A-I/7 of the STCW Code;

C. changes in form and substance of certificates covered by this Undertaking.

ARTICLE 9

A. Before giving a notice of termination, a Party having reasons for termination of this Undertaking shall communicate these reasons in writing to the official responsible of the other Party.

B. The other Party shall reply within two (2) months.

C. This undertaking may be terminated by either Party by giving six(6) months notice in writing to the other Party.

ARTICLE 10

This Undertaking shall take effect on the date both Contracting Parties have indicated through diplomatic channels that the domestic requirements for its entry into force have been complied with.

Done in on 8 October, of the year 2001.

For the Government of the Republic
of the Philippines

For the Government of the Republic
of the Marshall Islands

(Sgd.) PATRICIA A. STO. TOMAS

(Sgd.) GUY E.C. MAITLAND

Secretary, Department of Labor and Maritime Administrator

Employment and Chairperson, Maritime Training Council

MALACANANG
MANILA

INSTRUMENT OF RATIFICATION

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

KNOW YE, that whereas, the Undertaking between the Government of the Republic of the Philippines and the Government of the Republic of the Marshall islands Concerning the Recognition of Certificates under Regulation 1/10 of the 1978 STCW Convention, as amended was signed on 8 October 2001;

WHEREAS, the Undertaking, consisting of ten (10) articles, is pursuant to Regulation 1/10 of the Annex to the

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International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) 1978, as amended, and Circular 950 on arrangements between Parties to the STCW Convention approved by the Maritime Safety Committee of the International Maritime Organization;

WHEREAS, the Undertaking designates the Maritime Training Council (MTC) of the Philippines and the Office of the Maritime Administrator of Marshall islands as the competent authorities tasked to carry out arrangements under the Undertaking;

WHEREAS, the Undertaking grants to the competent authority of Marshall Islands the right to visit facilities, observe procedures or review adopted policies employed by the Certificate Issuing Party;

WHEREAS, Article 10 of the Undertaking provides that it shall take effect on the date both Contracting Parties have indicated through the diplomatic channels that the domestic requirements for its entry into force have been complied with;

NOW, THEREFORE, be it known that I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, after having seen and considered the Undertaking between the Government of the Republic of the Philippines and the Government of the Republic of the Marshall islands Concerning the Recognition of Certificates under Regulation 1/10 of the 1978 STCW Convention, as amended, do hereby ratify and confirm the same and each and every Article and Clause thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

GIVEN under my hand at the City of Manila, this 4th day August in the year of Our Lord two thousand and three.

BY THE PRESIDENT:

(Sgd.) DELIA D. ALBERT
Acting Secretary of Foreign Affairs

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