BILATERAL

# UNDERTAKING BETWEEN THE POLISH MARITIME ADMINISTRATION AND THE MARITIME TRAINING COUNCIL CONCERNING THE RECOGNITION OF CERTIFICATES UNDER REGULATION 1/10 OF THE 1978 STCW CONVEN...

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The Polish Maritime Administration and the Maritime Training Council 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 1/10 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 Polish Maritime Administration means the Department of Maritime and Inland Waters Administration of the Ministry of Infrastructure, hereinafter referred to as the "Administration", is the competent authority for the Republic of Poland.

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;



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iv. the request shall contain the names of the officials taking part in the visit and their position in the 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 1/2 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-l/8 of the STCW Code.

## ARTICLE 5

A. If the Administration, in accordance with Regulation 1/9 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.


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## ARTICLE 8

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-l/7 of theSTCW Code;

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

## ARTICLE 9

The officials in both Parties who are designated to be directly responsible for the implementation of this Undertaking are:

For the Polish Maritime Administration

Ministry of Infrastructure
Department of Maritime and Inland Waters Administration
Chalubinskiego 4/6
Warsaw 00-928
Poland
Tel: + 48 22 630 15 70
Fax: + 48 22 628 85 15
E-mail: jmiszczuk@mi.gov.pl

For the Maritime Training Council

Executive Director
Maritime Training Council
6/F POEA Building,
Ortigas Avenue corner EDSA
1501 Mandaluyong City
PHILIPPINES
Tel: (+632) 7257728, 7275716, and 7251323
Fax: (+632) 7251266
E-mail: info@mtc.qov.ph
Website: www.mtc.gov.ph

## ARTICLE 10

Any dispute between the Parties arising out of the interpretation or implementation of this Undertaking shall be settled by consultations and negotiations.

## ARTICLE 11

The Undertaking shall enter into force on the date of the later notification by the Parties, indicating that the domestic requirements for its entry into force have been complied with.


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## ARTICLE 12

Any amendment or revision to the text of the Undertaking shall be done by mutual consent of the Parties. This amendment or revision shall enter into force in accordance with the provision on entry into force.

## ARTICLE 13

The Undertaking shall remain in force and effect for a period of five (5) years and may be renewed for a similar period, unless one of the Parties officially notifies the other, of its desire to suspend or terminate the Undertaking. In such case, the Undertaking shall remain valid until thirty (30) days after the notice for suspension or termination.

For the Polish Maritime/Administration

(Sgd.) JERZY MISZCZUK

Director, Department of Maritime
And Inland Waters Administration

Done in 06 on January 2004

For the Maritime Training Council

(Sgd.) PATRICIA A. STO. TOMAS

Secretary, Department of Labor and
Employment
Chairperson, Maritime Training Council

Done in Sept. 02, 2004

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