BILATERAL

# MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE KINGDOM OF SAUDI ARABIA ON MUTUAL RECOGNITION OF CERTIFICATES OF ...

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PREFACE

The Maritime Authorities of the Government of the Republic of the Philippines and the Government of the Kingdom of Saudi Arabia (hereinafter referred to individually as "Party" and collectively as "the Parties");

Desiring to take the necessary steps to implement the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended (hereinafter referred to as "the Convention");

Committed to ensure that officers and seafarers working on ships of the two States are competent to carry out their tasks and to achieve the optimum standards for the safety of life at sea, the protection of property, the protection of the marine environment and the fulfillment of the requirements of their respective duties;

Taking into account regulation I/10 of the Convention and Section A-I/10 of the STCW Code, and the Circular of the Maritime Safety Committee No. (MSC.1/ Circ.1450), through understanding on measures to ensure that officers and seafarers on board have certificates of competency;

Without prejudice to the national laws of either Party, have agreed on the following:

ARTICLE 1: DEFINITIONS

The following terms and expressions, wherever stated in this Memorandum, shall have the meaning assigned to them:

- Certificates of Qualification: means a document issued in accordance with the provisions of the Convention authorizing the holder to carry out the duties of service on the ship as specified, fulfilling the requirements of the service and performing the specific tasks at the level of liability specified in that certificate (hereinafter referred to as the Certificates).

- Endorsement: means a valid document attesting the recognition of the certificate of competency under the provisions of the Convention and approved by the maritime authority providing that its holder has the right to serve the position according to the national legislation of either Party.

- The Maritime Authorities: means the authority issuing the certificate from the Parties and officially responsible for issuing and approving the certificate in accordance with the national legislation of either Party. The Maritime Authorities in this Memorandum are:



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**A-**

Maritime Industry Authority (MARINA) as the Administration on behalf of the Government of the Republic of the Philippines.

**B-**

Transport General Authority- Maritime Transport Sector (TGA) as the Administration on behalf of the Government of Kingdom of Saudi Arabia.

- STCW Code: means the code annexed to the Convention

ARTICLE 2: PURPOSE
The purpose of this Memorandum is to recognize the maritime education and training and the certification of competency for seafarers employed on ships between the Kingdom of Saudi Arabia and the Republic of the Philippines for the purpose of implementing the Convention.

ARTICLE 3: SCOPE OF MEMORANDUM
This Memorandum shall be applicable with respect to seafarers holding certificates of competency issued by either Party in accordance with the relevant provisions of the STCW Convention and serving on board ships flying the flag of the State of the other Party.

ARTICLE 4: EDUCATION, TRAINING, ASSESSMENT AND ISSUANCE OF CERTIFICATES FOR SEAFARERS

- The Parties have agreed to comply with the provisions of the Convention and related to the training and assessment standards to issue the Certificates.

- The Parties may coordinate with each other to set up a mechanism for continuous updating and exchange of information and experiences regarding education, training and evaluation programs to grant the Certificates, in accordance with what is approved by the International Maritime Organization.

## ARTICLE 5: REQUIREMENTS FOR RECOGNITION OF CERTIFICATES

- In compliance with the provisions of Articles (I) and (X) of the Convention and regulations (I/2), (I/4), and (I/10) of the Annex to the convention and Sections (A-I/2), (A-I/4) and (A-I/10) of the STCW Code, the Maritime Authority shall recognize the Certificates issued and approved by the other Party after it guarantees the following:

a)

The seafarers shall be trained and assessed in accordance with the provisions of the Convention;

b)

The instructors and assessors shall be suitably qualified in accordance with the provisions of the Convention;

c)

Certificates shall be registered in a numbered record for those certificates.

d)

The Maritime Authority shall issue a certificate of recognition after verification of the recognition requirements;


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and

e)

The assessment of quality standards shall be in conformity with the requirements of regulation (I/8) of the Convention.

- The Maritime Authority of either Party shall notify within thirty (30) days any substantial amendments or arrangements to the maritime education and training system and procedures for the issuance of the Certificates or any amendments that may lead to a difference in the information sent.

- Each Party shall provide the other Party with the forms of certificates issued and stamp and any amendment thereto.

## ARTICLE 6: VERIFICATION OF AUTHENTICITY AND VALIDITY

- The Parties have agreed that the Maritime Authority of each Party may verify the authenticity of certificates and its validity issued by the other party by correspondence by fax or e-mail and request all the requirements to verify its authenticity in compliance with the Convention and shall include the data of its holder and the certificate type, serial number, place and date of issuance.

- The Maritime Authority of the Certificate-issuing Party shall reply to the request within seven (7) working days from receiving date.

ARTICLE 7: EXCHANGING OF VISIT FOR THE VERIFICATION OF THE IMPLEMENTATION OF REQUIREMENTS

- The Parties agreed to cooperate in exchanging visits between the maritime administrations and the maritime educational and training institutions of the other Party in order to obtain access to:

- Capacities of each Party to implement the requirements of maritime training and education and the issuance of certificates in accordance with the provisions of the I/10 of the Convention;

- Standards for issuing the Certificates;

- Procedures of the approval, renewal, suspension or cancellation of the Certificates;

- Records keeping for seafarers' affairs;

- Standards of physical fitness;

- Exchanging the information regarding the validity of the certificate; and

- Establishing an electronic database for the seafarers.

- The visit shall be requested through written notice at least thirty (30) days before the date of the visit, by the official means of communication between the Parties. The notice shall include the following:

- The purpose of visit and facilities to be visited;

- The procedures that will be audited during the visit; and

- A list of officials' names of the Maritime Authority who will conduct the visit.

- The visiting officials shall be committed to provide the results of the evaluation to the other Certificate-issuing Party within (60) days from the date of its completion.

## ARTICLE 8: SUSPENSION OR CANCELLATION OF THE ENDORSEMENT

- In case the requirements of the Convention were not fulfilled, the Maritime Authority has the right to issue a decision to suspend or to cancel the endorsement.

- The Maritime Authority shall, within the period of seven (7) days, notify the Certificate-issuing Party in writing of any suspension or cancellation of the certificate of recognition and states the reasons thereof.

- The endorsement shall expire upon the expiry of the Certificate.

ARTICLE 9: RELATION WITH OTHER AGREEMENTS
This MoU and its executive arrangements shall not prejudice the performance of obligations arising out of other international multilateral or bilateral agreements between the Parties.

## ARTICLE 10: ENTRY INTO FORCE

The Memorandum shall enter into force after thirty (30) days from the date of its signature by both Parties and shall remain in force for a period of five (5) years and shall thereafter be valid for a similar period or periods, unless one of the parties officially informs its wish to terminate the Memorandum at least six (6) months before its expiry date.

ARTICLE 11: AMENDMENT
Any amendment or revision to the text of the Memorandum shall be done by mutual written consent of the Parties. Such amendment or revision shall enter into force in accordance with Article (10).

## ARTICLE 12: SUSPENSION AND TERMINATION

- Party may suspend or terminate the Memorandum by sending to the other Party a written notice thirty (30) days prior to the date specified for suspension or termination for any of the following reasons:

a)

If the Certificate-issuing Party is unable to maintain its name in the whitelist issued by the International Maritime Organization; or

b)

If neither Party fulfills its obligations under the Convention and those under the Memorandum.

- The termination or suspension shall have immediate effect but shall not affect the validity of the certificates of recognition issued prior to termination or suspension, which shall continue to be in force until its expiry date.

ARTICLE 13: SETTLEMENT OF DISPUTE
Any dispute concerning the interpretation or application of any provision of this Memorandum shall be settled amicably through negotiation between the Parties.

ARTICLE 14: RESPONSIBLE OFFICIALS
The officials implementing in both parties who are designated to be directly responsible for this Memorandum are:

- For Transport General Authority - Maritime Transport Sector
Riyadh - AlSahafa District Olaya Street.

PO Box 87078 Postal Code Riyadh 11642
Tel: +966118261111
Fax: +9668261199
Email: stcw.seafarers@tga.gov.sa
Website: https://www.tga.gov.sa/Transport/MaritimeTransport

- For Maritime Industry Authority Executive Director, STCW Office:
5/F Maritime Industry Authority Building
A. Bonifacio Drive corner 20[th] Street
Port Area, Manila 1018
Tel: +632 83549645
Email: oadm@marina.gov.ph, oed@marina.gov.ph
Website: www.stcwo.marina.gov.ph

- Verification of validity or content of a certificate or endorsement issued by either Party shall be carried out through above-mentioned addresses Any changes in the address of a Party shall be brought to the attention of the other Party as soon as possible, but not later than thirty (30) days after the change has taken place.

This Memorandum adopted in London on the Wednesday date of 15/05/1445 corresponding to 29/11/2023 in duplicate originals in Arabic and English. Both texts are equally authentic. In case of any difference in the interpretation of this Memorandum, the Convention shall prevail.

In WITNESS WHEREOF, the undersigned, duly authorized representatives of their respective governments have signed this Memorandum.

For the Government of
The Republic of the Philippines

For the Government of
The Kingdom of Saudi Arabia

(Sgd.)
JAIME J. BAUTISTA
Secretary
Department of Transportation

(Sgd.)
SALEH AL JASSER
Minister of Transport and Logistic Services
Chairman of the Transport General
Authority’s Board of Directors

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