BILATERAL

UNDERTAKING CONCERNING THE RECOGNITION OF TRAINING AND CERTIFICATION OF SEAFARERS FOR SERVICE ON ERITREAN FLAGGED VESSELS BETWEEN THE DEPARTMENT OF MARITIME TRANSPORT OF THE MIN...

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RECOGNITION OF CERTIFICATES UNDER THE TERMS OF THE 1978 INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION, AND WATCHKEEPING FOR SEAFARERS, AS AMENDED IN 1995

AN AGREEMENT FOR AN UNDERTAKING

1.

This Undertaking is for the recognition of national certificates and is made under the terms of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 as amended in 1995 (STCW 95). This Undertaking is made without prejudice to the National Laws of either Party.

2.

For the purposes of this Undertaking:

2.1

The term "Eritrea Administration" means the "Department of Maritime Transport."

2.2

The term "Philippine Administration" means the "Maritime Training Council (MTC) of the Republic of the Philippines."

3.

Having regard to the provisions of Regulation I/10 of the STCW 95, including the related provisions of the STCW Code, the Parties undertake that:

3.1

The Philippine Administration is the Party whose national certificates are to be recognized, and the Eritrea

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Administration is the Party that will provide its Certificates of Endorsement (Recognition) as evidence of such recognition;

3.2

An essential pre-condition to the issue of Certificates of Endorsement by the Eritrea Administration is compliance by the Philippine Administration of the requirements of Regulation I/7 of the STCW 95 and Section A-I/7 of the STCW Code.

3.3

The Philippine Administration shall ensure that the training and assessment of seafarers as required under STCW 95 are administered and monitored in accordance with the provisions of Section A-I/6 of the STCW Code and that a register or registers of all certificates and endorsements is maintained and the information will be made available as required by Regulation I/9 of the STCW '95. Similarly, the Philippine Administration shall ensure that those who are responsible for and those who provide such training and assessment are qualified in accordance with the provisions of Section A-I/6 of the STCW Code for the type and level of training or assessment involved.

3.4

In accordance with Regulation I/10.1.1 of the STCW '95, the Philippine Administration will allow the Eritrea Administration to undertake periodic inspection of its approved facilities and procedures, and that it will make materials and training facilities available for inspection and review when requested. Similarly, the Philippine Administration will allow the Eritrea Administration to have access to the results of the quality standards evaluation conducted in accordance with Regulation I/8 of the STCW '95.

3.5

The Philippine Administration will notify the Eritrea Administration within ninety (90) days of any significant change in the arrangements for training and certification applied under its Administration in accordance with STCW '95, and in particular Regulation 1/10.1.2. The significant changes include:

3.5.1

changes in the contact details of the official responsible for authentication checks;

3.5.2

changes affecting the procedures set forth in this Undertaking; and

3.5.3

changes that amount to substantial differences from the information communicated to the Secretary-General pursuant to Section A-I/7 of the STCW Code.

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3.6

The Philippine Administration acknowledges that endorsements issued by it in recognition of a certificate issued by another Party, will not be accorded further recognition by the Eritrea Administration in accordance with Regulation 1/10.6 of STCW '95.

3.7

Seafarers at the management level are required by the Eritrea Administration to acquire an appropriate knowledge of the maritime legislation of the Eritrea Administration relevant to the functions they are permitted to perform.

3.8

Where the Eritrea Administration withdraws its recognition of a certificate issued by the Philippine Administration for disciplinary reasons, the Eritrea Administration shall notify the Philippine Administration of the circumstances of such withdrawals within thirty (30) days.

4.

This Undertaking will enter into force on the date of signature. 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.

5.

Either Party may terminate this Undertaking at any time by giving written notice of at least six (6) months prior to the date on which it intends that the Undertaking will cease to be in force. Unless notice of termination has been given by either Party at least six (6) months before the date of its expiration, this Undertaking shall be automatically be extended for successive periods of five (5) years, each Party reserving the right to terminate the Undertaking upon notice of at least six (6) months.

6.

Any amendment or revision to the text of the Understanding 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.

7.

All communications arising from this Undertaking shall be made to the persons named below:

Eritrea Administration

Philippine Administration

Minister

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Ministry of Transport and Communication
PO Box 6465 Asmara, Eritrea

Telephone: + + 291(1) 121317
Fax: + + 291(1) 121316
E-mail: motcrez@eol.com.er

Executive Director
Maritime Training Council
6th Floor, POEA Building,
Ortigas Avenue corner EDSA,
Mandaluyong City,
Philippines

Telephone: (632) 725-1323, 725-1298, 727-5716
Fax: (632) 725-1266
Email: info@mtc.gov.ph
Website: www.mtc.gov.ph

For the Eritrea Administration

For the Philippine Administration

(Sgd.)
WOLDEMICHAEL ABRAHA
Minister
Ministry of Transport and Communication

(Sgd.)
PATRICIA A. STO. TOMAS
Secretary, Department of Labor
and Employment
Chairperson, Maritime Training Council

Dated this.....day of.....2006

Dated this 17th of April 2006

Entry into Force: July 14, 2006

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