

UNDERTAKING BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE KINGDOM OF THE NETHERLANDS ON THE RECOGNITION OF CERTIFICATES UNDER REGULATION I/10 OF THE STCW 1978 CONVENTION

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The Republic of the Philippines and the Kingdom of the Netherlands:

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 (STCW) for Seafarers 1978, as amended in 1995;

ALSO ACTING in accordance with Article 9 of Council Directive 98/35/EC of 25 May 1998 of the European Union;

RECOGNIZING the objectives laid down in the Memorandum of Understanding on Maritime Transport between the Department of Transportation and Communication of the Republic of the Philippines and the Ministry of Transport, Public Works and Water Management of the Kingdom of the Netherlands to enhance cooperation and understanding in the field of maritime transport and related activities;

HAVING REGARD to the guidance on arrangements between Parties to the STCW Convention approved by the Maritime Safety Committee of the International Maritime Organization during its seventy-third session in May 2000;

Have agreed as follows:

ARTICLE 1

1. The Maritime Training Council (MTC) hereinafter referred to as “the certificate issuing party”, is the competent authority for the Republic of Philippines. The Ministry of Transport, Public Works and Water Management of the Netherlands, hereinafter referred to as “the administration”, is the competent authority for the Kingdom of the Netherlands.
2. The agency acting for the Administration responsible for the implementation of this Undertaking is the Shipping Inspectorate of the Department of Transport, Public Works and Water Management.
3. The agencies acting for the certificate issuing party responsible for the implementation of this Undertaking are the Professional Regulation Commission (PRC) for the Officers and the Technical Education and Skills Development Authority (TESDA) for the ratings.

ARTICLE 2

1. The Administration has the right to make visits to facilities; these may include the observance of procedures or the review of the adopted policies, approved or employed by the certificate issuing party;
2. In the exercise of this right, the Administration shall follow the following procedures:
 - a. a request to visit facilities shall be forwarded in writing, telefax or via E-mail by the agency acting for the Administration to the agency acting for the certificate issuing party at least thirty (30) days before the intended date of the visit;
 - b. the request shall list the motives which, in the view of the Administration, make it necessary to carry out a visit;
 - c. the request shall name the specific facility or facilities which the Administration intends to visit;
 - d. the request shall contain the names of the officials taking part in the visit and their position in the Administration;
 - e. 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

The certificate issuing party shall make available to the Administration the results of the five (5) year external audit reports on the quality standards evaluations conducted in accordance with paragraph 3, Section A-I/8 of the STCW Code.

ARTICLE 4

1. If the Administration, in accordance with regulation I/10 of the STCW Convention, 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 with the agency responsible for the implementation of this Undertaking of the certificate issuing party or to a person or persons nominated by the agency to act on its behalf.
2. The list of names and positions of persons nominated shall be communicated in writing to the Administration before the entry into force of this Undertaking.
3. Any changes in the list of persons nominated shall be forwarded to the Administration at the earliest possible opportunity.
4. The agency responsible for the implementation of this Undertaking on behalf of the Administration shall communicate in writing, before the entry into force of this Undertaking, the list of persons and their position

which the agency 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.

5. For the purpose of this Article, the Maritime Industry Authority (MARINA) of the certificate issuing party shall serve as the focal point to carry out the verification of the validity of contents of certificates issued by the certificate issuing party.

ARTICLE 5

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

ARTICLE 6

The agency responsible or a person nominated by the agency of the certificate issuing party shall within two (2) weeks notify the agency responsible or a person nominated by the agency of the Administration of any final and executory withdrawal or revocation for disciplinary or other reasons of a certificate or endorsement issued by it. The agency responsible or a person nominated by the agency of the Administration shall within two (2) weeks notify the agency responsible or a person nominated by the agency of the certificate issuing party of any withdrawal or revocation of an endorsement or recognition issued by it for disciplinary or other reasons.

ARTICLE 7

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.

ARTICLE 8

1. This Undertaking may be terminated by either Party by giving six (6) months notice in writing to the other Party
2. Before giving notice of termination in accordance with paragraph 1 of this Article, a Party having reasons for termination of this Undertaking shall communicate these reasons in writing to the official responsible of the other Party.
3. The other Party shall reply within two months.

ARTICLE 9

1. This Undertaking shall not enter into force before the date on which the Maritime Safety Committee of the International Maritime Organization has established that both the Administration and the certificate issuing party have given full and complete effect to the provisions of the STCW Convention.
2. This Undertaking shall not enter into force until the date on which the procedure of European Council directive 98/35 has been completed, provided that upon completion there are no objections to the entry into force of this Undertaking.

ARTICLE 10

1. The Administration shall inform the certificate issuing party of the date of notification of this Undertaking to the European Commission in accordance with European Council directive 98/35.
2. The Administration shall notify the certificate issuing party of the receipt of any objections to the Undertaking in accordance with European Council directive 98/35, received by the Administration.
3. The Administration shall inform the certificate issuing party of the date on which the procedure of Article 9, paragraph 2, has been completed, provided that upon completion there are no objections to the entry into force of this Undertaking.

ARTICLE 11

Without prejudice to Article 9, this Undertaking shall apply provisionally from the date of its signature and shall enter into force on the first date of the second month after both Parties have notified each other in writing that the procedures required for the entry into force of the Undertaking in their respective countries have been complied with.

Done at Manila, on the 31st day of May in the year 2001.

For the Republic of the Philippines

For the Kingdom of the Netherlands

(Sgd.) PATRICIA A. STO. TOMAS

(Sgd.) THEO ARNOLD

Secretary of Labor and Employment

and

Chairperson of the Maritime Training Council

Ambassador of the Kingdom of the Netherlands

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