BILATERAL

UNDERTAKING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE CONCERNING THE RECOGNITION OF CERTIFICATES UNDER REGULATION...

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The Government of the Republic of the Philippines and the Government of the Republic of Singapore hereinafter 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 1978, as amended in 1995 (hereinafter referred to as "STCW95");

HAVING REGARD to MSC Circular 950 on the "Guidance on Arrangements Between Parties to allow for Recognition of Certificates under STCW Regulation I/10"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

1. The Maritime Training Council (MTC), hereinafter referred to as "the Certificate Issuing Party," is the competent authority for the Republic of the Philippines. The Maritime and Port Authority of Singapore, hereinafter referred to as the "Administration", is the national body representative of Singapore in respect of sea transport marine and port matters.

2. The agencies acting for the Certificate Issuing Party responsible for the implementation of this Undertaking are the Professional Regulation Commission (PRC) for marine officers and Technical Education Skill development Authority (TESDA) for ratings.

ARTICLE 2

1. This Undertaking is made without prejudice to the national laws of either Party.

2. The Government of the Republic of the Philippines is the Party whose national certificates are to be recognized, and the Administration is the Party that will provide its Certificates of Endorsement (recognition) as evidence of such recognition.

3. An essential pre-condition to the issue of Certificates of Endorsement by the Administration is compliance by the Certificate Issuing Party of the requirements of Regulation 1/7 of STCW95 and Section A-I/7 of the STCW Code.

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ARTICLE 3

1. In accordance with Regulation 1/10.1.1 of STCW95, the Certificate Issuing Party will allow the Administration to undertake periodic inspection of its approved facilities and procedures or to review its approved policies, and that it will make materials and training facilities available for inspection and review when requested.

2. The Administration shall follow the following procedures prior to a visit to facilities approved by the Certificate Issuing Party for the purposes referred to in Article 3.1:

a. a request to visit facilities shall be forwarded in writing (by electronic means or otherwise) by the Administration to the agency acting for the Certificate Issuing Party at least thirty (30) days before the intended visit;

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

c. the request shall contain the names of the officials taking part in the visit and their designations in the Administration;

d. the request shall state the purpose of the visit, which shall be limited to one or more of the following:

i. standards of competence;

ii. the issue, endorsement, revalidation and revocation of certificates;

iii. record-keeping;

iv. standards of medical fitness; and

v. communication and response process to requests for verifications.

3. The Certificate Issuing Party shall make available to the Administration the results of the quality standards evaluations conducted in accordance with Regulation 1/8 of STCW95.

ARTICLE 4

1. Certificates governed by this Undertaking are those issued and endorsed by the Certificate Issuing Party in compliance with Regulation I/2 of STCW95.

2. Specimen certificates with endorsements governed by this Undertaking are attached to this document for identification.

3. The Certificate Issuing Party acknowledges that endorsement issued by it in recognition of a certificate issued by another Party, will not be accorded further recognition by the Administration under the provisions of Regulation I/10.6 of STCW95.

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

ARTICLE 5

1. The Certificate Issuing Party shall ensure that the training and assessment of seafarers as required under STCW95 are administered and monitored in accordance with the provisions of Section A-1/6 ofthe 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 STCW95. Similarly, the Certificate Issuing Party shall ensure that those

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who are responsible for and that those who provide such training and assessment are qualified in accordance with the provisions of Section A-1/8 of the STCW Code for the type and level of training or assessment involved.

2. If the Administration, in accordance with Regulation I/9 of STCW95 wishes to verify the authenticity and validity of a certificate issued by the Certificate Issuing Party, it shall contact in writing (by electronic means or otherwise) the Certificate Issuing Party or a person nominated ("nominee") by the Certificate Issuing Party.

3. The list of names and designations of persons nominated by the Certificate Issuing Party shall be communicated in writing to the Administration before this Undertaking comes into effect.

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

5. The Administration shall communicate in writing, before this Undertaking comes into effect, a list of persons and their designations which the Administration has nominated to act on its behalf to carry out the verification of the authenticity and validity of a certificate issued by the Certificate Issuing Party.

6. The Certificate Issuing Party through its nominee shall respond in writing (by electronic means or otherwise) to a request, by the Administration to verify a certificate, within three (3) working days.

7. The Administration through its nominee shall within two (2) weeksnotify the Certificate Issuing Party or its nominee of any withdrawal or revocation of its endorsement of recognition for disciplinary reasons, and inform the Certificate Issuing Party or its nominee of the circumstances of such withdrawal or revocation.

ARTICLE 6

The Certificate Issuing Party shall promptly notify the Administration within ninety (90) days of any significant changes in the arrangements for training and certification provided in compliance with STCW95, and in particular Regulation I/10.1.2. Such notification shall be given at least in the following circumstances:

a. changes in the designation, 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 the International Maritime Organization pursuant to Section A-I/7 of the STCW Code;

c. changes in form and substance of certificates governed by this Undertaking; and

d. changes affecting the procedures set forth in this Undertaking.

ARTICLE 7

1. This Undertaking may be terminated by either Party by giving twelve (12) months’ notice in writing to the other Party.

2. Before giving a notice of termination, a Party having reasons for termination of this Undertaking shall communicate these reasons in writing to the other Party (i.e. the Certificate Issuing Party or the Administration, whichever the case may be).

3. The Party receiving such notice of termination shall acknowledge receipt within two (2) months.

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ARTICLE 8

1. This Undertaking shall take effect on the date both Contracting Parties
have communicated in writing through diplomatic channels, whichever is the later, that the domestic requirement for its entry into force have been complied with.

2. Unless notice of termination has been given by either Party in accordance with Article 7.1, this Undertaking shall be automatically extended for successive periods of five (5) years, each Party reserving the right to terminate the Undertaking upon notice of twelve (12) months being
given.

Done in Singapore on the 25th day of August 2001.

FOR THE GOVERNMENT OF
THE REPUBLIC OF THE PHILIPPINES

FOR THE GOVERNMENT OF
THE REPUBLIC OF SINGAPORE

(Sgd.) PATRICIA A. STO. TOMAS

(Sgd.) YEO CHEOW TONG

Secretary
Department of Labor and Employment and Chairperson
Maritime Training Council

Minister
Ministry of Communications and
Information Technology

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