BILATERAL

MEMORANDUM OF UNDERTAKING BETWEEN THE MINISTRY OF PUBLIC WORKS AND TRANSPORT OF THE KINGDOM OF CAMBODIA AND MARITIME TRAINING COUNCIL OF THE REPUBLICI OF THE PHILIPPINES RECOGNI...

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The Ministry of Public Works and Transport of the Kingdom of Cambodia on behalf of the Royal Government of Cambodia and the Maritime Training Council on behalf of the Republic of the Philippines, hereinafter referred to as Parties, in accordance with the requirements of Regulation I/10 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 (hereinafter referred to as STCW Convention) including the related provisions of the Seafarers Training, Certification and Watchkeeping Code (hereinafter referred to as STCW Code), have agreed as follows:

ARTICLE 1

The term "Administration" means the "Ministry of Public Works and Transport of the Kingdom of Cambodia".

The term "Certificate-issuing Party" means the "Maritime Training Council of the Republic of the Philippines".

ARTICLE 2

The national certificate issued by the Certificate-issuing Party shall be endorsed by the Administration as its recognition,

A precondition for the Administration to provide endorsement of certificates is a subsequent confirmation by the Maritime Safety Committee of International Maritime Organization (IMO) that full and complete effect is given by the Certificate-issuing Party to the provisions of the STCW Convention.

ARTICLE 3

The Certificate-issuing Party assures that the education, training and assessment of seafarers are administered and monitored in accordance with the provisions of Section A-I/6 of the STCW Code, confirms maintenance of registers of certificates, certificates of competency, endorsements, also confirms that information on the status of such certificates, endorsements and dispensations can be obtained according to Regulation I/9 of the STCW Convention.

The Certificate-issuing Party assures that those in their country who are responsible for such training and assessment are appropriately qualified for the type and level of training and assessment involved in accordance with the provisions of Section A-I/6 of the STCW Code.

ARTICLE 4

The Certificate-issuing Party, in accordance with subparagraph 1 of paragraph 1 of Regulation I/10 of the Convention on the request of the Administration, provides an opportunity to undertake inspections of their training centers, including related procedures if it deems necessary.

The Certificate-issuing Party will give the Administration access to the results of quality standards assessment in accordance with Regulation I/8 of the Convention.

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The Certificate-issuing Party, within 30 (thirty) days, will notify the Administration of any significant changes in the arrangements for training and certification provided in compliance with the STCW Convention.

The Administration, within 60 (sixty) days, will communicate to the Certificate-issuing Party results of evaluation carried out pursuant to the above paragraphs of this Article.

ARTICLE 5

The Certificate-issuing Party shall establish measures to ensure that seafarers, whom endorsements are issued, acquire an appropriate knowledge of legislation relevant to the functions they are permitted to perform.

ARTICLE 6

The Administration may refuse, suspend, revoke or otherwise withdraw its endorsement of recognition of a certificate issued by the Certificate-issuing Party for disciplinary reasons, and will inform the Certificate-issuing Party of such circumstances.

ARTICLE 7

Any dispute between the Administration and Certificate-issuing Party arising out of this Memorandum of Undertaking shall be settled by consultations or negotiations, through diplomatic channels.

ARTICLE 8

All communications arising from this Memorandum of Undertaking will be made to the following officials responsible for its implementation:

Cambodia Philippines

Ministry of Public Works and Transport Maritime Training Council

General Department of Transport 6/F POEA Building,

Russian Blvd. Phnom Penh Ortigas Avenue cor. EDSA

Cambodia Mandaluyong City, PHILIPPINES

Tel: (855) 12 989 333 Tel: (632) 7257728, 7218812, 7275716

Fax: (855) 23 214 907/23 881 846 Fax:(632)7251266

Email: mmd@forum.org.kh E-mail: info@mtc.gov.ph

mmd@bigpond.com.kh Website: www.mtc.gov.ph

mmd@camnet.com.kh

ARTICLE 9

This Memorandum of Undertaking shall take effect on the date both Parties have indicated through diplomatic channels that the domestic requirements for its entry into force have been complied with.

The validity of this Memorandum of Undertaking shall automatically be extended thereafter for successive five-year period if neither of the Parties notifies the other Party on its intention to terminate the Memorandum of Undertaking not later than six months prior to the expiration of a successive term of the Memorandum of Undertaking.

ARTICLE 10

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This Memorandum of Undertaking will be terminated or suspended by either Administration or Certificate-issuing Party, via written notice within 30 (thirty) days, provided one of the following:

(i). Certificate-issuing Party fails to maintain its position in the White List;

(ii). Certificate-issuing Party refuses to provide an access to its facilities and procedures specified in paragraph 1 of Article 4;

(iii). Either Party fails to meet its obligations in this Memorandum of Undertaking.

For the Ministry of Public Works and
Transport of the Kingdom of Cambodia

(Sgd.)
LENGTTHUN YUTHEA
Director General of Transport

Done in the Phnom Penh on Oct. 14, 2002.

For the Maritime Training Council of
the Republic of the Philippines

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

Done in Manila on Oct. 02, 2002.

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