BILATERAL

MEMORANDUM OF AGREEMENT ON THE RECOGNITION OF CERTIFICATES OF COMPETENCY AND TRAINING OF SEAFARERS FOR SERVICE ON BOARD VESSELS REGISTERED IN SWITZERLAND BETWEEN THE SWISS MARIT...

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Memorandum of Agreement

The present Agreement is made pursuant to Regulation I/10, paragraph 1.2 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 the STCW Convention) and Section A-I/10 of the STCW Code, between the Swiss Maritime Navigation Office and the Maritime Training Council of the Philippines.

For the purposes of this Agreement, the term "Certificate Issuing Party" shall mean the Maritime Training Council, the national administration responsible for regulating the STCW Convention in the Philippines, and the term "Administration" shall mean the Swiss Maritime Navigation Office, the national administration responsible for regulating the STCW Convention in Switzerland.

It is agreed that the "Certificate Issuing Party" is the Party whose national certificates of competency are to be recognized by endorsement, and the "Administration" is the Party that will issue the endorsement.

The Parties recognizing the importance of the STCW Convention and without prejudice to the National Laws of either Party enter into this Agreement for the purpose of ensuring that the requirements of Regulation I/10, paragraph 1.2 of the STCW Convention are complied with as follows:

1.

The "Certificate Issuing Party" shall:

- provide the "Administration" with details of the arrangements for training and certification of seafarers as requested so as to ensure that the education, training and assessment of seafarers, as required by the STCW Convention, are administered and monitored in accordance with the provisions of Section A-I/6 of the STCW Code and that those who are responsible for the training and assessment are appropriately qualified in accordance with the provisions of Section A-I/6 of the STCW Code;

- allow the "Administration" to undertake periodic inspections of approved facilities and procedures, when requested, in accordance with Regulation I/10.1.1 of the Annex to STCW Convention as well as provide an access to the results of the quality standards evaluations conducted in accordance with regulation I/8 of the annex to the STCW Convention;

- notify the "Administration" within ninety (90) days of any significant change in the arrangements for training and certification provided in compliance with the STCW Convention and in particular with Regulation I/10.1.2 thereof. The significant changes include:

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changes in the contact details of the competent authority on issues arising out of this Agreement;

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changes affecting the procedures set forth in this Agreement;

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changes that 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.

- Provide without delay confirmation of the status and validity of any certificate of competency issued by it whenever the "Administration" should request such information.

2.

The "Administration" shall:

- provide the "Certificate Issuing Party" with details of their national maritime legislation as required in Regulation I/10.2 of the Annex to the STCW Convention;

- notify and provide with details the "Certificate Issuing Party" of any certificate that appears to be fraudulent or otherwise unacceptable;

- notify the "Certificate Issuing Party" of the circumstances underlying any decision to withdraw, suspend or revoke on the grounds of misconduct or incompetence or any other reason an endorsement recognizing a certificate of competency issued by the "Certificate Issuing Party";

- maintain a comprehensive register of endorsements issued in accordance with the requirements of Regulation I/9.4 of the Annex to the STCW Convention and provide details, upon request from the "Certificate Issuing Party".

3.

This Agreement 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. It shall remain valid for a period of five (5) years and shall be renewed automatically for successive periods of five (5) years unless either Party gives twelve (12) months notice before the expiration of this Agreement.

4.

Any amendment or revision to the text of the Undertaking 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.

5.

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

Swiss Administration Philippine Administration

Executive Director
of the Swiss Maritime Navigation Office

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For the Swiss Administration
For the Philippine Administration

(Sgd.)

(Sgd.)

JEAN HULLIGER

PATRICIA A. STO. TOMAS

Director
Swiss Maritime Navigation Office

Secretary, Department of Labor
and Employment
Chairperson, Maritime Training Council

Date: 28 March 2005

Entry into Force: September 8, 2005

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