BILATERAL

UNDERTAKING BETWEEN THE FEDERATION OF SAINT CHRISTOPHER (KITTS) & NEVIS AND THE REPUBLIC OF THE PHILIPPINES CONCERNING THE RECOGNITION OF CERTIFICATES UNDER REGULATION I/10 OF T...

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1 This Undertaking is for the recognition of national seafarer qualifications and is made under the terms of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended. The Convention is referred to in this Undertaking as "the STCW Convention", and the code annexed to it is referred to as "the STCW Code". This Undertaking is made without prejudice to the national laws of either participant.

2 For this Undertaking:

(a)

the term "Administration" means the Government of the Federation of Saint Christopher (Kitts) and Nevis, represented by the Department of Maritime Affairs; Ministry of Public Works, Utilities, Transport and Posts;

(b)

the term "Certificate-issuing Party" means the Government of the Republic of the Philippines represented by the Maritime Training Council;

(c)

the Administration and the Certificate-issuing Party are referred to jointly as the participants and separately as a participant;

(d)

the term "designated official" means the appropriate official referred to in paragraph 3.

3 All communications arising from this undertaking should be made to the following officials designated to have responsibility for implementing the undertaking:

For the Administration:

International Registrar of Shipping & Seamen
St. Kitts & Nevis International Ship Registry

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West Wing, York House
48-50 Western Road, Romford, RM1 3LP
United Kingdom Telephone:
Facsimile:
E-mail: +44(0) 1708 380400
+44(0) 1708 380401
mail@StKittsNevisRegistry.net

For the Certificate-issuing Party:

Executive Director
Maritime Training Council
6/F BFO-POEA Building, Ortigas Avenue
cor. EDSA, Mandaluyong City 1501
Philippines Telephone:
Facsimile:
E-mail: +632 7257728/7251323
+632 7251266
info@mtc.gov.ph

The participants undertake to give prompt written notification of any changes in these particulars.

4 Having regard to the provisions of Regulation I/10 of the STCW Convention, including the related provisions of the STCW Code, the participants undertake as follows:

(a)

The Certificate-issuing Party is the participant whose national certificates are to be recognised, and the Administration is the participant that will provide endorsement as evidence of such recognition.

(b)

An essential pre-condition to the endorsement of recognition by the Administration is compliance by the Certificate-issuing Party with the requirements of Regulation I/7 of the STCW Convention and Section A-I/7 of the STCW Code.

(c)

The Certificate-issuing Party will ensure that the training and assessment of seafarers as required under the STCW Convention is administered and monitored in accordance with the provisions of Section A-I/6 of the STCW Code, and that a register of all certificates and endorsements is maintained and the information in the register made available as required by Regulation I/9 of the STCW Convention.

(d)

In accordance with Regulation I/10.1.1 of the STCW Convention, the Certificate-issuing Party will allow the

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Administration to carry out periodic inspection of its approved training facilities and procedures and will make training materials and facilities available for inspection and review when requested. Similarly, the Certificate-issuing Party will allow the Administration to have access to the results of the quality standards evaluations conducted in accordance with Regulation I/8 of the STCW Convention.

(e)

When requesting a visit, the Administration will observe the following procedure:

(i)

a request to visit facilities will be forwarded in writing by the designated official of the Administration to the designated official of the Certificate-issuing Party at least thirty days before the intended date of the visit;

(ii)

the request will list the reasons that, in the opinion of the Administration, make the visit necessary;

(iii)

the request will name the specific facility or facilities that the Administration intends to visit;

(iv)

the request will contain the names of the officials taking part in the visit and their respective positions in the Administration.

(f)

The Administration may, in accordance with Regulation I/10 of the STCW Convention, verify the validity or the contents of a certificate issued by the Certificate-issuing Party. When requesting verification, the designated official or deputy of the Administration will in writing contact the designated official of the Certificate-issuing Party, who will in writing respond to the request within seven days. The Certificate-issuing Party will, by supplying a user name and password, make access available to the Administration to allow this verification to be carried out by using the Certificate-issuing Party's on-line checking service.

(g)

The designated official of the Certificate-issuing Party will notify promptly in writing the designated official of the Administration of any withdrawal or revocation, for disciplinary or others reasons, of a certificate or endorsement issued by it. This should normally happen within seven days.

(h)

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The designated official of the Administration will notify promptly in writing the designated official of the Certificate-issuing Party of any withdrawal or revocation, for disciplinary or other reasons, of an endorsement of recognition issued by it. This should normally happen within seven days.

(i)

The Certificate-issuing Party will in writing notify the Administration within thirty days of any significant change in the arrangements for training and certification provided in compliance with the STCW Convention. A significant change includes any of the following:

(i)

a change in the position or contact particulars of the designated official;

(ii)

a change affecting the procedures set out in this undertaking;

(iii)

a change substantially affecting the information communicated to the Secretary-General pursuant to Section A-I/7 of the STCW Code.

(j)

The Certificate-issuing Party acknowledges that, in accordance with the provisions of Regulation I/10.6 of the STCW Convention, endorsements issued by it in recognition of a certificate issued by another party to the STCW Convention will not be accorded further recognition by the Administration.

(k)

Where a seafarer presents for recognition a certificate issued under the provisions of Regulation II/2, III/2, III/3 or VII/1 of the STCW Convention at the management level, the Administration will not recognise the certificate unless it is satisfied that the seafarer has an appropriate knowledge of the maritime legislation of the Administration relevant to the functions the seafarer is permitted to perform.

5 This undertaking may be amended and any amendment decided upon by the participants will take effect when confirmed in writing by the participants.

6 This Undertaking commences on the later date of the signatures indicated overleaf. It remains valid for a period of five years and will be extended automatically for successive periods of five years unless either participant gives the other written notice of termination at least sixty days before the expiration of the Undertaking.

For Ministry of Public Works, Utilities, Transport & Posts

(Sgd.) Date: 16/3/07

Name: MR. MCCLEAN HOBSON Designation: Director of Maritime Affairs

For the Maritime Training Council:

(Sgd.) Date: 05 Jul 2007

Name: ARTURO D. BRION Designation:

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

Entry into Force: July 5, 2007

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