

AN UNDERTAKING CONCERNING THE RECOGNITION OF TRAINING AND CERTIFICATION OF SEAFARERS FOR SERVICE ON MALAYSIA FLAGGED VESSELS BETWEEN THE MARINE DEPARTMENT OF MALAYSIA AND MARITI...

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AN UNDER TAKING BETWEEN THE GOVERNMENT OF MALAYSIA AND THE GOVERNMENT OF THE REPUBLIC OF PHILIPPINES CONCERNING THE RECOGNITION OF CERTIFICATES UNDER THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS , 1978, AS AMENDED

This Undertaking is made between the Government of Malaysia as represented by the Marine Department of Malaysia on the one part and the Government of The Republic of The Philippines as re presented by the Maritime Training Council on the other part (hereinafter referred to singularly as "Party" and collectively as "Parties")

ARTICLE 1

This Undertaking is for the recognition of national certificates and is made in accordance with the terms of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended (hereinafter referred to as "STCW95"). This Undertaking is made without prejudice to the existing laws and regulations in force in the Parties' respective countries.

ARTICLE 2

For purposes of this Undertaking:

*

The term ""Malaysian Administration" means the Marine Department of Malaysia"; and

*

The term Philippines Administration" means the "Maritime Training Council of the Republic of the Philippines".

ARTICLE 3

The Parties, having regard to the provisions of Regulation I/10 of STCW95, including the relevant positions in the STCW Code, undertake that -

I.

The Philippines Administration is the Party whose national certificates are to be recognised, and the Malaysian Administration is the Party that will provide its Certificates of Recognition (endorsement) as evidence of such recognition.

II.

An essential pre-condition to the issue of Certificates of Recognition by the Malaysian Administration is compliance by the Philippines Administration of the requirements of Regulation I/7 of STCW95 and Section A-I/7 of the STCW Code.

III.

The Philippines Administration 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-I/6 of the STCW Code and that a register or registers of all certificates and recognitions is maintained and the information will be made available as required by Regulation I/9 of STCW 95. Similarly, the Philippines Administration shall ensure that those who are responsible for and that those who provide such training and assessment are qualified in accordance with the provisions of Section A-I/6 of the STCW Code for the type and level of training or assessment involved.

IV.

In accordance with Regulation I/10.1.1 of STCW95, the Philippines Administration will allow the Malaysian Administration to undertake periodic inspection of its approved facilities and procedures, and that it will make materials and training facilities available for inspection and review when requested. Similarly, the Philippines Administration will allow the Malaysian Administration to have access to the results of the quality standards evaluations conducted in accordance with Regulation I/8 of STCW95.

V.

The Philippines Administration will notify the Malaysian Administration within ninety (90) days of any significant change in the arrangements for training and certification applied under its Administration in accordance with STCW95, and in particular Regulation I/10.1.2. The significant changes include -

(a)

changes in the contact details of the official responsible for authentication checks;

(b)

changes affecting the procedures set forth in this Undertaking; and

(c)

changes that amount to substantial differences from the information communicated to the Secretary-General pursuant to Section A-I/7 of the STCW Code.

VI.

The Philippines Administration acknowledges that recognitions issued by it in recognition of a certificate issued by another party, will not be accorded further recognition by the Malaysian Administration in accordance with Regulation I/10.6 of STCW95.

VII.

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

VIII.

Where the Malaysian Administration withdraws its recognition of a certificate issued by the Philippines Administration for disciplinary reasons, the Malaysian Administration shall notify the Philippines Administration of the circumstances of such withdrawals.

ARTICLE 4

This Undertaking binds both Parties on the date of execution of this Undertaking by the Philippines Administration and shall remain in force for a period of five (5) years.

ARTICLE 5

Either Party may terminate this Undertaking at any time by giving written notice of at least twelve (12) months prior to the date on which it intends that the Undertaking will cease to be in force. Unless notice of termination has been given by either Party at least twelve (12) months before the date of its expiration, 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 at least twelve (12) months.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Undertaking.

For the GOVERNMENT OF MALAYSIA For the GOVERNMENT OF THE

REPUBLIC OF THE PHILIPPINES

(SGD.) (SGD.)

RAJA MALIK SARIPULAZAN BIN RAJA PATRICIA A. STO. TOMAS

KAMARUZAMAN

DIRECTOR-GENERAL OF MARINE SECRETARY,

DEPARTMENT OF LABOR AND

EMPLOYMENT,

CHAIRPERSON

MARITIME TRAINING COUNCIL

Dated this 31 day of July, 2002 Dated this 31 day of July, 2002

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(SGD.) (SGD.)

PATRICIA A. STO. TOMAS RAJA MALIK SARIPULAZAN BIN RAJA

KAMARUZAMAN

SECRETARY, DIRECTOR-GENERAL OF MARINE

DEPARTMENT OF LABOR AND

EMPLOYMENT,

CHAIRPERSON

MARITIME TRAINING COUNCIL

Dated this 31 day of July, 2002 Dated this 31 day of July, 2002

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