BILATERAL

UNDERTAKING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE KINGDOM OF NORWAY CONCERNING THE RECOGNITION OF CERTIFICATES UNDER REGULATION I/1...

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The Government of the Republic of the Philippines and the Government of the Kingdom of Norway herein after 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 (STCW) 1978, as amended in 1995;

HAVING REGARD to MSC Circular 950 on the Guidance of Arrangements Between Parties to the STCW Convention approved by the Maritime Safety Committee of the International Maritime Organization during its seventy-second session in May 2000;

Haave agreed as follows:

ARTICLE 1

A. The Maritime Training Council (MTC), hereinafter referred to as “the Certificate Issuing Party”, is the competent authority for the Republic of the Philippines. The Norwegian Maritime Directorate, hereinafter referred to as the “Administration’’,
is the competent authority for the Kingdom of Norway.

B. The agencies acting for the Certificate Issuing Party responsible for the implementation of this Undertaking are the Professional Regulation Commission (PRC) for the Marine Officers and the Technical Education and Skills Development Authority (TESDA) for the ratings.

ARTICLE 2

A. The Administration has the right to make visits to facilities which may include observance of procedures or the review of the adopted policies, approved or employed by the Certificate Issuing Party.

B. In the exercise of this right, the Administration shall follow the following procedures:

> i. a request to visit facilities shall be forwarded in writing, telefax or via E-mail by the Administration to the agency acting for the Certificate Issuing Party at least thirty (30) days before the intended visit;

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ii. the request shall list the purposes which, in the view of the Administration, makes it necessary to carry out a visit;

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

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

v. the purpose of the visit shall be limited to one or more of the following:

- standards of competence;

- the issue, endorsement, revalidation and revocation of certificates;

- record-keeping;

- standards of medical fitness; and

- communication and response process to requests for verifications.

ARTICLE 3

A. Appropriate certificates covered by this Undertaking are those issued and endorsed by the Certificate Issuing Party in compliance with the applicable regulation under Regulation I/2 of 1978 STCW, as amended.

B. Specimen certificates with endorsements covered by the Undertaking are attached to this document for identification.

ARTICLE 4

The Certificate Issuing Party shall make available to the Administration the results of the external audit reports on the quality standards evaluations conducted in accordance with paragraph 3, Section A-I/8 of the STCW Code.

ARTICLE 5

A. If the Administration, in accordance with Regulation I/9 of 1978 STCW Convention, as amended wants to verify the validity or contents of a certificate issued by the Certificate Issuing Party, it shall enter into contact in writing, by telefax or by E-mail or can be accessed through the website, with the Certificate Issuing Party or to a person or persons nominated by the Certificate Issuing Party.

B. The list of names and positions of persons nominated by the Certificate Issuing Party shall be communicated in writing to the Administration before the entry into force of this Undertaking.

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

D. The Administration shall communicate in writing, before the entry into force of this Undertaking, the list of persons and their position which the Administration has nominated to act on its behalf to carry out the verifications of the validity or contents of a certificate issued by the Certificate Issuing Party.

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ARTICLE 6

The person nominated by the Certificate Issuing Party shall respond in writing, by telefax or E-mail to a request of the Administration for the verification of the validity or the contents of a certificate within three (3) working days.

ARTICLE 7

The Administration or the person nominated by the Administration shall within two (2) weeks notify the person nominated by the Certificate Issuing Party of any withdrawal or revocation of an endorsement or recognition issued by it.

ARTICLE 8

The Certificate Issuing Party shall promptly notify the Administration of any significant changes in the arrangements for training and certification provided in compliance with the STCW Convention; such notification shall be given at least in the following circumstances:

A. changes in the position, 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 IMO pursuant to Section A-I/7 of the STCW Code;

C. changes in form and substance of certificates covered by this Undertaking.

ARTICLE 9

A. Before giving a notice of termination, a Party having reasons for termination of this Undertaking shall communicate these reasons in writing to the official responsible of the other Party.

B. The other Party shall reply within two (2) months.

C. This undertaking may be terminated by either Party by giving six (6) months notice in writing to the other Party.

ARTICLE 10

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

Done in Manila, on the 19th day of November, in the year 2001.

For the Republic of the Philippines

For the Kingdom of Norway

(Sgd.) PATRICIA A. STO. TOMAS

(Sgd.) RUNE TEISRUD

Secretary of Labor and Employment

Director General

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and

Norwegian Maritime Directorate

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