BILATERAL

UNDERTAKING BETWEEN PORTUGAL AND PHILIPPINES CONCERNING THE RECOGNITION OF CERTIFICATES UNDER 1/10 OF THE STCW CONVENTION

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The competent authorities of Portugal and Philippines:

ACTING in accordance with the procedures referred to in Regulation 1/10, paragraph 1.2 of the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers of 7 July 1978, as amended (hereinafter referred to as "the STCW Convention") and Section A-I/10 of the STCW Code;

ALSO ACTING in accordance with Article 18 of the Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001;

HAVING REGARD to the guidance on arrangements between Parties to the STCW Convention approved by the Maritime Safety Committee of the International Maritime Organisation during its seventy-third session in May 2000 (MSC/Circ. 950);

Have conducted the following Undertaking:

Paragraph 1
Scope

1.1

The purpose of this Undertaking is to lay down the conditions mutually agreed upon for the issue of Portuguese recognition certificates, in the following called Portuguese flag state endorsements, to appropriate certificates, as defined in the STCW Convention.

1.2

This agreement is made without prejudice to the National Laws of either Party.

Paragraph 2
Identification and contact addresses of the Parties to this undertaking

1

The lnstituto Portuario e dos Transportes Maritimos , for the purpose of the present Undertaking referred to as "the Administration", is the competent authority for the Government of Portugal and the Maritime Training Council of Philippines, for the purpose of the present Undertaking referred to as “the certificate- issuing Party" is the competent authority for the Government of the Philippines.

2

The official responsible for the implementation of this Undertaking acting for the Administration (hereinafter referred to as "the official of the Administration") is the Head of the Seafarer's Department of the lnstituto

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Portuario e dos Transportes Maritimos.

3. The official responsible for the implementation of this Undertaking acting for the certificate-issuing Party (hereinafter referred to as "the official of the certificate- issuing Party") is the Executive Director of the "Maritime Training Council"

4. Contact addresses for the Administration is:

lnstituto Portuario e dos Transportes Maritimos

Edificio Vasco da Gal"f!a Phone +351213914596

Rua General Gomes Araujo Fax +351213979796

1399-005 Lisboa

Portugal

E- mail seafarers.certification@imarpor.pt

5. Contact addresses for the certificate-issuing Party is :

Maritime Training Council

6th Floor Blas F. Ople Building (formerly POEA Building)

Ortigas Avenue, corner EDSA

Mandaluyong City 1501

Phone: +6327375716/7251323/7257728

Fax: +6327251266

Email: info@mtc.gov.ph

Paragraph 3
Precondition

It is a precondition for this Undertaking to take effect and to remain in effect that the Maritime Safety Committee of IMO has confirmed that the information submitted to IMO by Philippines in accordance with Article IV and regulation 1/7 of STCW Convention demonstrates that full and complete effect is given to the provisions of the STCW Convention.

Paragraph 4
Visits to the certificate-issuing party

1.

The Administration may visit facilities, the purpose of which may include observation of procedures and review of policies approved or employed by the certificate-issuing Party for meeting the requirements of the STCW Convention.

2.

The purpose of the visit will be limited to one or more of the following:

a)

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Standards of competence;

b)

The issue, endorsement, revalidation and revocation of certificates;

c)

Record-keeping;

d)

Standards of medical fitness; and

e)

Communication and response process to requests for verification.

3. When requesting a visit, the Administration will observe the following conditions:

a)

A request to visit facilities will be forwarded in writing, by telefax or E-mail, by the official of the Administration to the official of the certificate-issuing Party, before the intended date of the visit;

b)

The request will list the motives which, in the view of the Administration, make it necessary to carry out a visit;

c)

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

d)

The request will contain the names of the officials taking part in the visit and their position in the Administration.

Paragraph 5
Quality standards evaluation

The certificate-issuing Party will make available to the Administration the results of Quality standards evaluations conducted in accordance with regulation 1/8 of the STCW Convention.

Paragraph 6
Procedures for communication and response process to request for verifications

1.

The Administration may, in accordance with Regulations I/10 of the STCW Convention, verify the validity or the contents of a certificate issued by the certificate-issuing Party. It also may request other documentary evidence issued in Philippines possibly by other authorities such as maritime education and training institutes, if such evidence is considered relevant for the Administration in evaluating qualifications of individual applicants for Portuguese flag state endorsement.

2. In case the Administration requests verification in accordance with subparagraph 1, the official of the Administration will enter into contact in writing, by telefax or by e-mail, to such a request within two working days.

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3.

The official of the certificate-issuing Party will respond in writing, by telefax or by e-mail, to such a request within two working days.

Paragraph 7
Information on withdrawal or revocation

1.

The official of the certificate-issuing Party will without delay notify the official of the Administration of any withdrawal or revocation for disciplinary or others reasons of a certificate or-endorsement issued by it.

2. The official of the Administration will without delay notify the official of the certificate-issuing Party of any withdrawal or revocation of an endorsement of recognition issued by it for disciplinary or other reasons

3.

The notification in accordance with subparagraphs 1 and 2 shall be given within thirty (30) days of the action giving full details of the circumstances.

Paragraph 8
Other persons designated

1.

The official of the Administration and the official of the certificate-issuing Party may designate one or more persons to perform on their behalf any functions referred to in paragraph 6 and 7.

2. The official of the Administration and the official of the certificate-issuing Party will, before the entry into effect of this Undertaking, each communicate to the other a list in writing of the persons they have designated in accordance with subparagraph 1. These lists will also specify the position of the persons concerned.

3.

The official of the Administration and the official of the certificate-issuing Party will, at the earliest possible opportunity, each forward to the other in writing any changes in the list communicates in accordance with subparagraph 2.

Paragraph 9
Information in case of significant changes in arrangements for training or certification

1.

The certificate-issuing Party will promptly notify the Administration of any significant changes in the arrangements for training and certification provided in compliance with the STCW Convention.

2.

Such notification will be given at least in the following cases:

a)

Changes in the position, address or access information for the official 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-1/7 of the STCW Code

Paragraph 10
Termination of this Undertaking

1.

Either Signatory may terminate this Undertaking by giving six (6) month notice in writing to the other Signatory.

2. Before giving notice of termination in accordance with subparagraph 1, the Signatory in question will communicate the reasons for termination in writing to the other Signatory.

3.

The other Signatory will reply to the communication referred to in subparagraph 2 by making written observations within two month from the date of communication

Paragraph 11
Enter into effect

1.

This Undertaking will enter into effect on the later of the following dates:

-

The date of signature;

-

The date on which the procedure of Article 18 of the Directive 2001/25/ec of the European Parliament and of the Council of 4 April 2001, as amended has been completed and no objection to the Undertaking have been made in the framework of this procedure.

2.

The Administration will confirm the certificate-issuing Party of the date of notification to the European Commission in the framework of the procedure referred to in subparagraph 1.

3.

The Administration will notify the certificate-issuing Party of the receipt of any objections to this Undertaking received by the Administration in the framework of the procedure referred to in subparagraph 1.

4.

The Administration will inform the certificate-issuing Party of the date on which the procedure referred to in subparagraph 1 has been completed.

Paragraph 12

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Validity

1.

Without prejudice of the referred to in paragraph 10, this Undertaking shall be in force for five (5) years from the date referred to in paragraph 11.

2. Unless either Party gives writing notice at least six (6) months before the date of the normal expiration of this Undertaking, it shall be renewed automatically for a further period of five (5) years).

For the Instituto Portuario For the Maritime Training Council

e dos Transportes maritimos

(SGD.) Eduardo de Silva Martins (SGD.) ARTURO D. BRION

The Chairman of the Board Secretary, Department of Labor

and Employment

Chairperson, Maritime Training Council

Signed in Lisbon on 19 January 2007 Signed in Manila on 07 March 2007

Entry into Force: March 7, 2007

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