

BILATERAL UNDERTAKING BETWEEN THE GOVERNMENT OF THE HELLENIC REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES CONCERNING THE RECOGNITION OF CERTIFICATES PURSUANT T...

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The Government of the Hellenic Republic and the Government of the Republic of the Philippines, herein after referred to as "the Contracting Parties";

Having regard to the National Convention on "1978 Standards of Training, Certification and Watchkeeping for Seafarers (STCW), as amended in 1995, and pursuant to Regulation 1/10, which has been verified by the Government of Greece with the Law No. 1314/1983, (Governmental Gazette issue No. 2 A / 11.1.1983) and its 1995 amendments have also been verified with the Presidential Decree No. 132/1997 (Governmental Gazette issue No 116 A/ 11.6.1997), which has been verified by both the Undersigned Parties. (The above-mentioned International Convention will be referred to as the "Convention").

Noting also the E.C. Directives 94/58/EC/22.11.94 and 98/35/EC/ 25.5.98 of the European Union Council, on "the minimum requirements of seafarers¹ training", as they have been incorporated into the Greek National Legislation with the Presidential Decree Nos. 210/1996 (Governmental Gazette Issue No. 165 A' / 22.7.1996) and 295/1999 (Governmental Gazette issue No 226 A' / 30.11.1999), whose provisions have been taken into account for the drafting of this Undertaking.

Reviewing their respective obligations under the "Convention" and intending to comply with them, reviewing also the Law and Instruments of their National Legislation, especially those concerning issues of access and working conditions on ships flying the flag of an "Undersigned Party".

Hereby, they enter into this Bilateral Undertaking, which will be referred to as the "Undertaking", as required by Regulation I/10.1.2 of the "Convention", aiming at complying with the relevant provisions of the "Convention", which also include the provisions of the Code of the "Convention", and have agreed as follows:

ARTICLE 1

A) The Hellenic Ministry of Mercantile Marine, General Directorate of Shipping Policy, Seafarers Training Directorate, herein after referred to as the "Greek Authority," is the competent authority of the Hellenic Republic for the purposes of this Undertaking.

B) The Maritime Training Council (MTC), herein after referred to as the "Philippines Authority", is the competent authority of the Government of the Republic of the Philippines for the purposes of this Undertaking.

C) The "Philippines Authority" is the Party whose National Certificates of Competency are to be recognized by the "Greek Authority", according to the relevant provisions of the "Convention."

D) The "Greek Authority" is the Party, which will recognize the Certificates of Competency issued by the "Philippines Authority", by issuing an appropriate endorsement certificate.

ARTICLE 2

The "Greek Authority", before recognizing the above mentioned certificates, has considered the fulfillment of the prerequisite that the Philippines is a Member-State of the "Convention" and that, according to written submitted evidence, it has been regarded by the Maritime Safety Committee of the International Maritime Organization (IMO), as giving full and complete effect to the relevant provisions of the "Convention."

Moreover, the "Greek Authority", has considered the fact that the "Philippines Authority" has established and uses a Quality Control System to its System of Maritime Training and Certification according to the Regulation 1/8 of the "Convention."

ARTICLE 3

The "Philippines Authority," within the framework of its National Legislation, ensures that the education, training and assessment of seafarers, are administered and monitored in accordance with the provisions of Section A-1/6 of the STCW Code and also ensures that those who are responsible for such duties are appropriately qualified for the type and the level of training or assessment involved, in accordance with the same Section of the STCW Code.

ARTICLE 4

The "Greek Authority," with respect to the provisions for recognition of certificates laid down in Regulation 1/10 of the "Convention," shall ensure that an endorsement in accordance with Regulation 1/2, paragraph 5, will only be issued if the applicable requirements of the "Convention" have been complied with by the "Philippines Authority" or under whose authority a certificate of competency to the "Greek Authority" for endorsement. The certificate of competency should also be followed by a valid issue endorsement of the "Philippines Authority".

ARTICLE 5

A) The "Philippines Authority," declares that it guarantees and ensures the "Greek Authority," through any necessary and applicable measures, which may include the inspection of its approved facilities and procedures:

- That it is in full compliance with the requirements of the "Convention" concerning the standards of competence and medical fitness, the issue, endorsement, revalidation and revocation of certificates and the Keeping of relevant records.
- That it has already taken all necessary action to comply with the training requirements of the "Convention," including the STCW Code, as they may be applicable, and
- That it will make all materials and training facilities, used for seafarers' training, available for inspection and review.

B) In particular, when the "Greek Authority" requests, by any document, (which includes the use of e-mail), to visit and review training facilities or procedures, for the above mentioned verification reasons, permission shall be granted, after the necessary communication between the Parties has been exchanged, within a 30-day time span, in which the program of the visit is also to be arranged. The same 30-day deadline shall be followed when the "Greek Authority" asks for documentation relevant to the above mentioned purposes. Any violation of these deadlines may result in denunciation of the "Undertaking" from the "Greek Authority." Any requests about verification of the validity or contents of a certificate or confirmation regarding question that may arise, shall be addressed by both Parties in no more than 10 days time, except in cases of force majeure

ARTICLE 6

The "Philippines Authority," declares that, in accordance with the procedure laid down in Article 5, it assures and confirms the "Greek Authority," that it will grant full and unlimited access to the results of the assessments of the Quality Control System which it has established to its Maritime Training and Certification System, in accordance with Regulation I/8 of the "Convention."

ARTICLE 7

A) The "Philippines Authority," in accordance with Regulation 1/10 of the "Convention," declares that in a time period not exceeding sixty (60) days, will notify the "Greek Authority" any important change on the whole system of Maritime Education and Training, Assessment and Certification. As important change is considered to be any change that entails significant modification of the relevant educational, training and administrative procedures and incurs substantial alteration of the level of knowledge, professional skills, training and competence of the certified seafarers.

B) As a minimum, important changes are considered to be:

- Changes of the persons in the Administrations who are responsible for the implementation of the "Undertaking" or of the ways or means to communicate with them.
- Any changes that may result in alterations of the procedures recited in this "Undertaking."
- Modifications on the whole system of Maritime Education and Training, Assessment and Certification of Seafarers that entail substantial differences or variations compared to the initial report that the "Philippines Authority" submitted to the Secretary General of the IMO, in accordance with Section A-I/7 of the STCW Code.

ARTICLE 8

The "Greek Authority" declares that, in accordance with Regulation 1/10, paragraph 6, of the "Convention", it will not use endorsements recognizing or attesting certificates issued by the other State-Members of the "Convention" for the purpose of issuing endorsement certificates of this "Undertaking". It also declares that it will not proceed to further recognition of endorsement certificates issued by the "Philippines Authority" for certificates that have been issued by third countries.

ARTICLE 9

The "Philippines Authority" confirms that endorsements certificates issued by the "Greek Authority," according to the provisions of this "Undertaking," will not be used as basis for further recognition of the same certificates from any other authority.

AUTHORITY 10

The "Greek Authority" declares that, in order to endorse a certificate by which its holder is entitled to perform duties, at the management level, on a ship that flies the Greek Flag, it considers as a prerequisite, the successful examination of the holder of the certificate on a test which ensures that the candidate has the appropriate level of knowledge of the relevant Greek National Legislation that is needed to perform sufficiently his duties, as this Legislation has been defined by the "Greek Authority".

ARTICLE 11

The "Greek Authority" declares that it will not endorse any certificates, held by non-citizens of Philippines, issued by the "Philippines Authority."

ARTICLE 12

Should it become necessary for the "Greek Authority" to suspend, revoke or otherwise withdraw its endorsement of recognition of a certificate of competency for disciplinary or other reasons, the "Greek Authority" shall, within sixty (60) days, inform the "Philippines Authority" of the circumstances.

ARTICLE 13

As persons responsible for the implementation of this "Undertaking" are appointed:

A) For the "Greek Authority," Commander (H.C.G.) THEMELAROS Nikolaos, who is the Head of Section C of the Directorate of Seafarers' Education of the Greek Ministry of Mercantile Marine

Postal Address: Notara 92 St.,
Piraeus 185 35,
Greece

Telephone(s): 0030210 + 4172971,4191133

Fax: 0030210 + 4224000, 4117624

E-mail: dekn@ven.gr.

B) For the "Philippines Authority," the Executive Director of the Maritime Training Council

Postal Address: 6th Floor, POEA Building
Ortigas Avenue comer EDSA,
Mandaluyong City 1501
Philippines

Telephone(s): (632) 7257728, 7275716,7251323

Fax: (632)7251266

E-mail: info@mtc.gov.ph

Website: www.mtc.gov.ph

ARTICLE 14

After this "Undertaking" has been undersigned by both interested Parties, it will be forwarded by the "Greek Authority" to the European Commission and it shall enter into force after the completion of the three (3) months

notice which is mentioned in the 98/35/E.C. Directive, provided no objections will be raised for its implementation from other State-Members of the European Union and upon its approval in accordance with the relevant procedures of the Hellenic Republic. The "Greek Authority" shall notify the "Philippines Authority" the date of the definite entrance into force of the "Undertaking," according to what has been mentioned above, and from that date, the "Undertaking" shall remain into force for a five (5) year period.

ARTICLE 15

Each party shall have the right to denounce this Undertaking at any time by a written notification. The denunciation of the Undertaking will be effective three (3) months after the receipt of such a notification by the other Party.

The Undertaking shall be automatically extended for consecutive periods of five (5) years unless it is denounced by either of the Parties, according to the procedure of the above paragraph, or both Parties agree on its termination.

FOR THE GOVERNMENT OF THE HELLENIC-REPUBLIC

(Sgd.) CAPTAIN (H.C.G.) EXARCHOPOULOS PANAGIOTIS
Head of the Seafarers Training Directorate of the
Greek Ministry Mercantile Marine

Done in Piraeus on 08.01, 2003 in two originals in English

FOR THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES

(Sgd.) PATRICIA A. STO. TOMAS
Secretary, Department of Labor and Employment
Chairperson, Maritime Training Council

Done in Manila on Mar. 12, 2003 in two originals in English

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