

**MEMORANDUM OF UNDERSTANDING BETWEEN THE MARITIME
TRAINING COUNCIL OF THE REPUBLIC OF THE PHILIPPINES
AND THE MINISTRY OF TRANSPORT OF UKRAINE ON
RECOGNITION OF CERTIFICATES PURSUANT TO REGULATION
1/10 OF THE INTERNATIONAL CONVENTION ON STANDARDS OF
TRAINING, CERTIFICATION AND WATCHKEEPING FOR
SEAFARERS, 1978, AS AMENDED IN 1995**

The Maritime Training Council of the Republic of the Philippines and the Ministry of Transport of Ukraine (hereinafter referred to as "the Parties"),

Pursuant to Regulation 1/10 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 (hereinafter referred to as "the STCW Convention");

Being guided by the instructions for establishing arrangements between the Parties to the STCW Convention contained in the MSC/Circ.950 of 30 May 2000, adopted by the 72d session of the Maritime Safety Committee of the International Maritime Organization;

Have agreed as follows:

**ARTICLE 1
DEFINITIONS**

1.1. The term "Administration" means the Maritime Training Council of the Republic of the Philippines, a competent body duly authorized according to the national legislation of the Republic of the Philippines which will recognize certificates of the Certificate-issuing Party;

1.2. The term "Certificate-issuing Party" means the Ministry of Transport of Ukraine, a competent body duly authorized according to the national legislation of Ukraine to issue appropriate certificates in accordance with the STCW Convention;

1.3. The contacting address of the Administration will be:

Maritime Training Council
6/F POEA Building,
Ortigas Avenue corner EDSA
Mandaluyong City
PHILIPPINES,
Tel: + 63(2) 7257728, 7275716, 7251323;
Fax: + 63(2) 7251266;

1.4. The contacting address of the Certificate-issuing Party will be:

Ministry of Transport of Ukraine
7/9, Schorsa str., Kyiv, 03680, Ukraine,
Tel.: +38 (044) 269-35-43, 268-16-63;
Fax: +38 (044) 268-10-41, 268-22-02;

1.5. The term "Official of the Administration" means the official of the competent body of the Philippines responsible for implementing this Memorandum who will be the Executive Director of the Maritime Training Council;

1.6. The contacting address of the Official of the Administration:

Maritime Training Council
6/F POEA Building,
Ortigas Avenue corner EDSA
Mandaluyong City
PHILIPPINES,
Tel: + 63(2) 7257728, 7275716, 7251323;
Fax:+63(2) 7251266;
E-mail: info@rntc.gov.ph;
Website: www.mtc.gov.ph;

1.7. The term "Official of the Certificate-issuing Party" means the Ukrainian official responsible for implementing this Memorandum and acting on behalf of the Certificate-issuing Party, who will be the Head of the Inspectorate for Training and Certification of Seafarers;

1.8. The contacting address of the Official of the Certificate-issuing Party:

Inspectorate for Training and Certification of Seafarers
25, Olenivska str., Kyiv 04073, Ukraine,
Tel: +38 (044) 463-68-36, 463-72-50;
Fax:+38 (044) 463-71-56;
E-mail: Jtcskiiev@kv.ukrtel.net;

1.9. The term "facilities and procedures" means companies, authorities and organizations, operating within the limits of the Party's responsibility according to the STCW Convention, as well as the system on controlling and observing compliance with the STCW Convention's requirements on training, assessment of competence and certification for seafarers of the Certificate-issuing Party.

ARTICLE 2

TERMS OF RECOGNITION OF CERTIFICATES

Pursuant to Regulation 1/10 of the STCW Convention and to ensure compliance with the STCW Convention and the STCW Code, the Administration undertakes to recognize certificates of the Certificate-issuing Party by endorsement, provided that the following conditions are satisfied:

2.1. Certificate-issuing Party ensures that training and assessment for seafarers are performed and controlled according to provisions of Section A-I/6 of the STCW Code and the STCW Convention's requirements;

2.2. Certificate-issuing Party ensures that certificates are duly registered and authenticated pursuant to Regulation 1/9 of the STCW Convention;

2.3. Certificate-issuing Party ensures that persons responsible for training and assessment for seafarers are duly qualified pursuant to the requirements of Section A-I/6 of STCW Code;

2.4. Certificate-issuing Party will allow, according to Regulation 1/10 of the STCW Convention, access to its facilities and procedures for inspecting and observing purposes. Compliance with the requirements of the STCW Convention may be examined by the Administration regarding the following:

- standards of competence;
- issue, endorsement, revalidation and revocation of certificates of competence;
- registration of certificates of competence;
- medical fitness standards for seafarers;
- exchange of information on validity of certificates;

2.5. Certificate-issuing Party undertakes, within 90 (ninety) days, to notify the Administration of any significant change in the arrangement of training and certification system. Significant changes should be understood to include:

- changes in the position or address of the Official of the Certificate-issuing Party;
- changes affecting the procedures set forth in this Memorandum;
- changes which amount to substantial differences from the information communicated to the Secretary-General of the International Maritime Organization pursuant to Section A-I/7 of the STCW Code;

2.6. Certificate-issuing Party undertakes within 30 (thirty) days, to notify the Administration of any withdrawal or revocation of certificates for disciplinary reasons;

2.7. The Administration undertakes within 30 (thirty) days, to notify Certificate-issuing Party of any withdrawal or revocation of endorsement of recognition stating the reasons of that withdrawal or revocation;

2.8. Certificate-issuing Party ensures that evaluation of quality standards is in compliance with the requirements of Regulation 1/8 of the STCW Convention.

ARTICLE 3

VISITING PROCEDURE

Visiting of approved facilities and procedures of the Certificate-issuing Party by the Administration will follow notification, 30 (thirty) days prior to expected date of visit, by fax or e-mail on behalf of the Official of the Administration in the name of the Official of the Certificate-issuing Party that contains:

- purpose of visiting;
- facilities and procedures to be visited by the Administration;
- list of visiting officials from the Administration.

ARTICLE 4

VERIFICATION PROCEDURE

4.1. Administration, according to the requirements of the STCW Convention, may verify the validity and contents of certificates. The Official of the Administration will communicate to the Official of the Certificate-issuing Party any request on validity of certificates in written and electronic (itcskiev@kv.ukrtel.net, srdskiev@kv.ukrtel.net) form;

4.2. Official of the Certificate-issuing Party will reply to the request in written and electronic form within the next 2 (two) working days.

ARTICLE 5 SETTLEMENT OF DISPUTES

Any dispute between the Parties arising out of the interpretation or implementation of this Memorandum shall be settled by consultations or negotiations, through diplomatic channels.

ARTICLE 6 FINAL CLAUSES

6.1. This Memorandum is concluded for the term of 5 (five) years and shall enter into force on the date of the later written notification by the Parties, through diplomatic channels, indicating that the domestic requirements for its entry into force have been complied with;

6.2. This Memorandum shall remain valid for 5 (five) years and shall be tacitly renewed for a similar period or periods unless either of the Parties gives notice of its intention for non-renewal at least 6 (six) months before the expiration of the Memorandum;

6.3. Before giving a notice of termination, a Party having reasons for termination of this Memorandum shall communicate the reasons in writing to the responsible Official of the other Party. The termination of this Memorandum shall take effect 6 (six) months following the date of receipt of such notification by the other Party.

DONE in two copies, each in English and Ukrainian, both texts being equally authentic. In case of divergence concerning the interpretation the English text will prevail.

ON BEHALF OF
THE MARITIME TRAINING
COUNCIL OF THE PHILIPPINES

(Sgd.) **PATRICIA A. STO. TOMAS**

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

Date: Sept. 02, 2004

ON BEHALF OF
THE MINISTRY OF
TRANSPORT OF UKRAINE

(Sgd.) **S.V. SYMONENKO**

Deputy Minister of Transport of
Ukraine

Date: Dec. 12, 2003

RECOGNITION OF PHILIPPINE CERTIFICATES

**MEMORANDUM OF UNDERSTANDING BETWEEN THE MARITIME TRAINING
COUNCIL OF THE REPUBLIC OF THE PHILIPPINES AND THE MINISTRY OF
TRANSPORT OF UKRAINE ON RECOGNITION OF CERTIFICATES PURSUANT**