

**UNDERTAKING BETWEEN THE GOVERNMENT OF THE REPUBLIC  
OF THE PHILIPPINES AND THE GOVERNMENT OF HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN OF BRUNEI DARUSSALAM  
CONCERNING THE RECOGNITION OF CERTIFICATES UNDER  
REGULATION 1/10 OF THE 1978 STCW CONVENTION, AS  
AMENDED, OF SEAFARERS FOR SERVICE ON VESSELS  
REGISTERED IN BRUNEI**

The Government of the Republic of the Philippines and the Government of His Majesty The Sultan And Yang Di-Pertuan of Brunei Darussalam hereinafter 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 1/10 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 Organisation during its seventy-third session in May 2000;

Have 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, whose national certificates are to be recognized. The Marine Department, hereinafter referred to as the "Administration", is the competent authority for the Government of His Majesty The Sultan and Yang Di-Pertuan of Brunei Darussalam, that will provide its Certificates of Endorsement (recognition) as evidence of such recognition.

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 shall be allowed 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, by telefax, E-mail, or by any other electronic means by the Administration to the agency acting for the

- Certificate Issuing Party at least thirty (30) days before the intended visit;
- 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 request 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 1/2 of the 1978 STCW, as amended.

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

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

### **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 the 1978 STCW Convention, as amended, wants to verify the validity or contents of a certificate issued by the Certificate Issuing Party, it shall communicate in writing, by telefax, by e-mail or by other electronic means 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 within ninety (90) days of such change.

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

### **ARTICLE 6**