

**AN UNDERTAKING CONCERNING THE RECOGNITION OF
TRAINING AND CERTIFICATION OF SEAFARERS FOR SERVICE
ON HONG KONG REGISTERED SHIPS BETWEEN THE
DEPARTMENT OF LABOR AND EMPLOYMENT ON BEHALF OF THE
GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE
MARINE DEPARTMENT ON BEHALF OF THE GOVERNMENT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE
PEOPLE'S REPUBLIC OF CHINA RECOGNITION OF CERTIFICATES
UNDER REGULATION I/10 OF THE 1978 STCW CONVENTION, AS
AMENDED**

The Government of the Republic of the Philippines and the Government of the Hong Kong Special Administrative Region of the People's Republic of China hereinafter referred to as the Contracting Parties;

DESIRING to promote good relations between them on the basis of equal partnership and mutual interest;

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;

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. The Marine Department hereinafter referred to as the "Administration", is the competent authority for the Hong Kong Special Administrative Region of the People's Republic of China.

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 Certificate Issuing Party undertakes to allow the Administration 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 making the visits, the Administration shall follow the following procedures:

- i. 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;

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 evaluation 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 enter into contract 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 lists 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;