

Crna Gora
MINISTARSTVO VANJSKIH POSLOVA
PODGORICA

Primijeno: <i>07. 08. 2016.</i>				
Org. jed.	Jed. klas. znak	Redni broj	Prilog	Vrijednost
<i>9/014-1/8-2-5/20</i>				

UNDERTAKING

CONCERNING THE RECOGNITION OF TRAINING AND CERTIFICATION OF SEAFARERS FOR SERVICE ON BOARD VESSELS REGISTERED IN THE HELLENIC REPUBLIC

Between

the

GOVERNMENT OF MONTENEGRO

and the

GOVERNMENT OF THE HELLENIC REPUBLIC

ACCORDING TO THE INTERNATIONAL CONVENTION ON
STANDARDS OF TRAINING, CERTIFICATION AND
WATCHKEEPING FOR SEAFARERS 1978, AS AMENDED

UNDERTAKING CONCERNING THE RECOGNITION OF TRAINING AND CERTIFICATION OF SEAFARERS FOR SERVICE ON BOARD VESSELS REGISTERED IN HELLENIC REPUBLIC BETWEEN THE GOVERNMENT OF MONTENEGRO AND THE GOVERNMENT OF THE HELLENIC REPUBLIC, ACCORDING TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS 1978, AS AMENDED.

The Government of Montenegro acting through the Ministry of Transport and Maritime Affairs and the Government of the Hellenic Republic acting through the Seafarers Training Directorate of the Ministry of Maritime Affairs and Insular Policy hereinafter referred to as "the Contracting Parties".

Having regard to the International Convention on "**Standards of Training, Certification and Watchkeeping for Seafarers**" (S.T.C.W.), 1978, as amended, and in particular the Regulation I/10, which has been ratified by the Hellenic Republic by Law No 1314/1983, (Official Gazette issue No 2 A' / 11.1.1983) and its 2010 amendments have also been accepted by the Hellenic Republic by Presidential Decree No 79/2012 (Official Gazette issue No 137 A' / 14.6.2012).

Taking into account that both Contracting Parties are Parties to the International Convention on "Standards of Training, Certification and Watchkeeping for Seafarers" (S.T.C.W.), 1978, as amended. (The above mentioned international Convention will be referred to as the "Convention").

Noting also that the Directive 2008/106/EC of the European Parliament and of the Council, as amended, on "the minimum level of training of seafarers", as they have been incorporated into the Greek National Legislation with the Presidential Decree No 119/2014 (Governmental Gazette issue No 188 A' / 08.09.2014) the provisions of which have been taken into account for the drafting of this Undertaking, and bearing in mind that the requirements of Article 19 of the Directive 2008/106/EC, as amended, have already been met.

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

They hereby enter into this Bilateral Undertaking, which will be referred to as the "Undertaking", as required by Regulation I/10, paragraph 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 Ministry of Transport and Maritime Affairs, hereinafter referred to as the "Montenegrin Authority", is the competent authority of Montenegro for the purposes of this Undertaking.

B) The Hellenic Ministry of Maritime Affairs and Insular Policy, Hellenic Coast Guard, Seafarers Training Directorate, hereinafter referred to as "the Greek Authority", is the competent authority of the Hellenic Republic for the purposes of this Undertaking.

C) The "Montenegrin 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 "Montenegrin Authority", by issuing an appropriate endorsement certificate.

Article 2

A) The "Greek Authority", before recognizing the above mentioned certificates, has considered the fulfillment of the prerequisite that Montenegro is a Party to the "Convention" and that, according to written submitted evidence, it has been regarded by the Maritime Safety Committee of the International Maritime Organization (I.M.O), that is giving full and complete effect to the relevant provisions of the "Convention".

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

Article 3

The "Montenegrin 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 the Section A-I/6 of the S.T.C.W Code and it 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 S.T.C.W. Code.

Article 4

The "Greek Authority", with respect to the provisions for recognition of Certificates laid down in Regulation I /10 of the "Convention", shall ensure that an endorsement in accordance with Regulation I/2, paragraph 7, will only be issued if the applicable requirements of the "Convention" have been complied with by the "Montenegrin Authority". The certificate of competency should also be followed by a valid endorsement issued by the "Montenegrin Authority". The "Greek Authority" shall endorse such certificate to attest its recognition only after ensuring the authenticity and validity of the certificate. The "Montenegrin Authority" undertakes to make available information on the status of such certificates of competency, endorsements and dispensations to the "Greek Authority" which requests verification of the authenticity and validity of certificates produced to them by seafarers seeking recognition of their certificates under regulation I/10.

Article 5

A) The "Montenegrin 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:

1. 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 the relevant records,
2. it has already taken all necessary action to comply with the training requirements of the "Convention", including the S.T.C.W. Code, as they may be applicable and
3. 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 days' time span, in which a

program of the visit has also to be arranged. The same 30 days' deadline shall be followed when the "Greek Authority" asks for documentation relevant to the above mentioned purposes. Without prejudice to the provision of Article 15, any violation of these deadlines may result in denunciation of the "Undertaking" from the "Hellenic Republic" with immediate effect. Any requests about verification of the validity or contents of a certificate or confirmation regarding questions that may arise, shall be addressed by both Parties in no more than 10 days' time, except in case of force majeure.

Article 6

The "Montenegrin Authority", declares that, in accordance with the procedure laid down in above 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 have been established to its Maritime Training and Certification System, in accordance with Regulation I/8 of the "Convention".

Article 7

A) The "Montenegrin Authority", in accordance with Regulation I/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:

1. Changes of the persons in the Administrations who are responsible for the implementation of the "Undertaking" or of the way or means to communicate with them.
2. Any changes that may result in alterations of the procedures recited in this "Undertaking".
3. 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 "Montenegrin Authority" submitted to the Secretary General of I.M.O, in accordance with Section A-I/7 of the S.T.C.W Code.

Article 8

The "Greek Authority" declares that, in accordance with Regulation I/10, paragraph 6, of the "Convention", it will not use endorsements recognizing or attesting certificates issued by other Parties 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 "Montenegrin Authority" for certificates that have been issued by third countries.

Article 9

The "Montenegrin Authority" confirms that endorsement 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.

Article 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 Montenegro, issued by the "Montenegrin 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 "Montenegrin Authority" of the circumstances.

Article 13

The competent persons for the implementation of this "Undertaking" are:

A) For the "Montenegrin Authority":

Ministry of Transport and Maritime Affairs of Montenegro
Postal Address: Rimskitrg 46, 81 000 Podgorica, Crna Gora
TEL.: +382 20 482 192
FAX: + 382 20 234 331
E-MAIL: kabinet@msp.gov.me

B) For the "Greek Authority":

Head of the Section C of the Seafarers Training Directorate of the Ministry of Maritime Affairs and Insular Policy of the Hellenic Republic
Postal Address: Akti Vasiliadi, Gates E1 – E2, Piraeus 185 10, Greece
TEL: +30213 1371133
FAX: +30210 4224000
E-MAIL: dekn.c@hcg.gr

Article 14

1. The Undertaking shall enter into force on the date of the last signature and from that date it shall remain in force for a five (5) year period.

2. The Undertaking shall be automatically extended for consecutive five (5) year periods unless it is denounced by either of the Parties, according to the procedure provided in Article 15 of this Undertaking of the below paragraph, or both Parties agree on its termination.

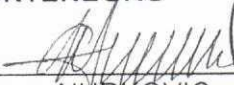
Article 15

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.

Article 16

Done in two original copies in the English language.

FOR THE GOVERNMENT OF
MONTENEGRO


Osman NURKOVIC
Minister of Transport and Maritime Affairs

Podgorica, 07.08.2020.



FOR THE GOVERNMENT OF THE
HELLENIC REPUBLIC


Ioannis PLAKIOTAKIS
Minister of Maritime Affairs and Insular Policy

Athens,



EMBASSY OF GREECE
PODGORICA

Ref. N° : 960/87AP/487
MINISTARSTVO VANJSKIH POSLOVA
PODGORICA

Primljeno:	28.09.2020			
Org. jed.	St. kao opat.	Redn. broj	Prilog	Vrijednost
9/014	1/8	2-7	20	

NOTE VERBAL

The Embassy of the Hellenic Republic presents its compliments to the Ministry of Foreign Affairs of Montenegro and with reference to the Ministry's Note Verbal 9/014-1/8-2-6/20, dated 10 August 2020 has the honour to inform that on 17 July 2020 the Minister for Maritime Affairs and Insular Policy, HE Mr. Ioannis Plakiotakis, has signed the Agreement on Recognition of Training and Certification of Seafarers for service on Board Vessels registered in Hellenic Republic.

The Embassy of the Hellenic Republic avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Montenegro the assurances of its highest consideration.



Podgorica, 25 September 2020

To:
Ministry of Foreign Affairs of
Montenegro/Department of Bilateral
Relations

In Town