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13/2	-053/24	-588	-2	

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE GOVERNMENT OF MONTENEGRO

AND

THE GOVERNMENT OF THE ITALIAN REPUBLIC

CONCERNING

THE RECOGNITION OF CERTIFICATION OF SEAFARERS

UNDER THE TERMS OF THE

INTERNATIONAL CONVENTION ON STANDARDS OF

TRAINING,

CERTIFICATION AND WATCHKEEPING FOR SEAFARERS,

DONE AT LONDON ON 7 JULY 1978, AS AMENDED

The Government of Montenegro and the Government of the Italian Republic, hereinafter collectively referred to as "the Parties",

WILLING to establish a common framework for the mutual recognition of the certificates of competency of seafarers, for the purpose of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, done at London on 7 July 1978, as amended, hereinafter referred to as the "STCW";

HAVING REGARD to the provisions of Regulation I/10 of the STCW, including the related provisions of the Code annexed to the STCW, as amended (hereinafter referred to as the "STCW Code");

WILLING to give the STCW full and complete effect, as stated in its Article I paragraph 2;

HAVING REGARD to the Implementing Decision of the European Commission 2017/727 of 23 March 2017 on the recognition of Montenegro pursuant to the

Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for training and certification of seafarers, as amended;

Have agreed as follows:

1. The Parties shall cooperate on the mutual recognition of the Certificates of Competency for seafarers issued by one of them, in accordance with the relevant provisions of the STCW and the STCW Code, and serving on board ships flying the flag State of the other Party.
2. Each Party shall issue the Certificates of Recognition (endorsements) pursuant to Regulation I/2, paragraph 7, of the STCW, following compliance by the other Party with the requirements of Regulation I/7 of the STCW and Section A-I/7 of the STCW Code.
3. The Party that issues the Certificates of Competency shall ensure that the training and assessment of seafarers as required under the STCW, are administered and monitored in accordance with the provisions of section A-I/6 of the STCW Code, and that a register or registers of all certificates and endorsements is maintained and the information will be made available as required by Regulation I/2, paragraphs 14, 15 and 16 of the STCW. Similarly the Party which issues the Certificates of Competency shall ensure that those who are responsible for and those who provide such training and assessment are qualified in accordance with the provisions of section A-I/6 of the STCW Code for the type and level of training or assessment involved.
4. In accordance with Regulation I/10, paragraph 1.1, of the STCW, the Party which issues the Certificates of Competency shall allow to the Party which issues the Certificates of Recognition (endorsement) to carry out periodic inspection of its approved facilities and procedures and shall make materials and training facilities available for inspection and review when requested. Similarly the Party which issues the Certificates of Competency shall allow the Party which issues the Certificates of Recognition (endorsement) to have access to the results of the quality standards evaluations conducted in accordance with Regulation I/8 of the STCW.
5. The Party which issues the Certificates of Competency shall notify to the Party which issues the Certificates of Recognition (endorsement) within ninety (90) days of any significant change in the arrangements for training and certification applying under its administration in accordance with the STCW, and in particular Regulation I/10, paragraph 1.2. The changes that are considered significant include:

- a) changes in the contact details of the official responsible for authentication checks;
- b) changes affecting the procedures set forth in this Memorandum of Understanding (hereinafter "MoU"); and
- c) changes that amount to substantial differences from the information communicated to the IMO Secretary-General pursuant to section A-I/7 of the STCW Code.

6. For the purposes of this MOU all communication shall be made to the authorities named below:

For the Italian Party:

- 1) For general information and for the authentication and validity of Certificates of Competency:

Ministry of Infrastructures and Transport
Sustainable Mobility Department
Directorate General for the Monitoring of Port Authority systems, the maritime transport and inland water (DGVPTM)
Viale dell'Arte, 16
00144 Rome, ITALY Phone: (+39) 06 59084205
e-mail: cert.marittimi@mit.gov.it

- 2) For the authentication and validity of Certificates of Competency issued under Regulation IV of the STCW:

Ministry of Enterprises and Made in Italy
Directorate-General for Electronic Communications, Broadcasting and Postal Services
Viale America, 201
00144 Rome ITALY
Phone: (+39) 06 5444.2906
(+39) 06 5444.2908
(+39) 06 5422.1080
e-mail: dgscerp.div02@pec.mise.gov.it

- 3) For Medical standards and Certificates of Proficiency issued under Regulation VI/4 of the STCW:

Ministry of Health
Directorate-General of Health Prevention
Via Giorgio Ribotta, 5
00144 Rome ITALY Phone: (+39) 06 5994 2878
e-mail: dgprev@postacert.sanita.it

For the Montenegrin Party:

Ministry of Transport and Maritime Affairs

Rimski trg 46
81000 Podgorica
Phone +382 20 482 124
Email: kabinet@misp.gov.me
Website: www.gov.me/misp

7. The Party which issues the Certificates of Competency acknowledges that, in accordance with the provisions of Regulation I/10, paragraph 6, of the STCW, the Certificates of Recognition (endorsement) issued by the other Party shall not be used as the basis for further recognition by another Administration.
8. The Party that issues the Certificates of Recognition (endorsement) shall not recognise the Certificate of Competency issued under the provisions of Regulation II/2, III/2, III/3 or VII/1 at the management level, presented by a seafarer unless it is satisfied that the seafarer has an appropriate knowledge of its maritime legislation relevant to the functions the seafarer is permitted to perform.
9. When a Party which issues the Certificates of Recognition (endorsement) for disciplinary reasons suspends, revokes or otherwise withdraws its Certificate of Recognition of a Certificate of Competence issued by the other Party, such Party shall provide the Party which issues the Certificates of Competency with full details of the circumstances, within ninety (90) days.
10. The Parties shall keep confidential the personal data received from each other under this MOU and they shall not transfer them to third parties or otherwise process them in a manner incompatible with the agreed purposes without the prior written consent of the Party from which such information was received.
11. This MOU shall be implemented in accordance with the Italian and Montenegrin legislations, as well as applicable international law and, as for the Italian Party, the obligations arising from Italy's membership of the European Union.
12. The expenses arising from the implementation of this MOU shall be covered by the Parties according to their ordinary budget availability without any additional cost for the State budgets of the Italian Republic and Montenegro.
13. Any disputes in the interpretation and/or implementation of this MOU shall be solved amicably through direct consultations and negotiations between the Parties.
14. This MOU shall enter into force on the date of signature and it shall remain valid for an indefinite period of time.
15. The Parties may amend this MOU at any time by mutual consent. The amending agreements shall enter into force following the same procedures stated in Article 14.

16. This MOU may be denounced by either Party by notifying the other of its intention to terminate it at least six (6) months before the intended date of expiration.

IN WITNESS WHEREOF the Undersigned, being duly authorised thereto, have signed this Memorandum of Understanding.

Done at ~~Belgrade~~ ^{Podgorica} on ~~28 June~~ ^{28 June 2024} in two originals in the English language, both texts being equally authentic.

For the Government of Montenegro



For the Government of the Italian Republic


