

RECOGNITION OF VIETNAM CERTIFICATES

MEMORANDUM OF UNDERTAKING

**CONCERNING THE RECOGNITION OF
TRAINING AND CERTIFICATION OF SEAFARERS FOR
SERVICE ON VESSELS REGISTERED IN BRUNEI**

between

THE VIETNAM ADMINISTRATION

and

THE BRUNEI ADMINISTRATION

**RECOGNITION OF CERTIFICATES UNDER THE TERMS OF THE
INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING,
CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978, AS
AMENDED**

MEMORANDUM OF UNDERTAKING

I. PREAMBLE

This Memorandum of Undertaking (hereinafter referred to as "MoU") is for the recognition of national certificates and is made under the terms of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended in 1995. The Convention is referred to in this MoU as "STCW95", and the Code annexed to STCW95 is referred to as "the STCW Code". This MoU is made without prejudice to the national laws of either Participant.

II. DEFINITIONS

1. For the purposes of this MoU :
 - a. the term "Vietnam Administration" means The Vietnam National Maritime Bureau, acting on behalf of the Government of Vietnam;
 - b. the term "Brunei Administration" means "The Marine Department, Brunei Darussalam, acting on behalf of the Government of His Majesty The Sultan And Yang Di-Pertuan of Brunei Darussalam"; and
 - c. the Vietnam Administration and the Brunei Administration are hereinafter referred to as "the Participants".


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III. SCOPE OF THIS MEMORANDUM

Having regard to the provisions of regulation I/10 of STCW95 including the related provisions of the STCW Code, the Participants have reached the following understanding:

- (i) The Vietnam Administration is the Participant whose national certificates are to be recognised, the Brunei Administration is the Participant that will provide its Certificates of Recognition (endorsements) as evidence of such recognition.
- (ii) The Brunei Administration will issue Certificates of Recognition (endorsements) pursuant to regulation I/2, paragraph 5, of STCW95 following compliance by the Vietnam Administration with the requirements of regulation I/7 of STCW95 and section A-I/7 of the STCW Code.
- (iii) The Vietnam Administration will ensure that the training and assessment of seafarers as required under STCW95 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/9 of STCW 95. Similarly the Vietnam Administration will ensure that those who are responsible for, and that 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.



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- (iv) In accordance with regulation I/10, paragraph 1.1, of STCW95, the Vietnam Administration will allow the Brunei Administration to carry out periodic inspection of its approved facilities and procedures and will make materials and training facilities available for inspection and review when requested. Similarly the Vietnam Administration will allow the Brunei Administration to have access to the results of the quality standards evaluations conducted in accordance with regulation I/8 of STCW95.
- (v) The Vietnam Administration will notify the Brunei Administration within ninety (90) days of any significant change in the arrangements for training and certification applying under its administration in accordance with STCW95, and in particular regulation I/10, paragraph 1.2. The significant changes include:
- a) changes in the contact details of the official responsible for authentication checks;
 - b) changes affecting the procedures set forth in this MoU;
 - c) changes in form and substance of certificates covered by this MoU; and
 - d) changes that amount to substantial differences from the information communicated to the Secretary-General pursuant to section A-I/7 of the STCW Code.
- (vi) The Vietnam Administration acknowledges that, in accordance with the provisions of regulation I/10, paragraph 6, of STCW95, endorsements issued by it in recognition of a

certificate issued by another Party to STCW95 will not be accorded further recognition by the Brunei Administration.

- (vii) a. If the Brunei Administration, in accordance with Regulation I/9 of the STCW 95, wants to verify the validity or contents of a certificate of the Vietnam Administration, it will communicate in writing, by telefax, by e-mail or by other electronic means with the Vietnam Administration.
 - b. The list of names and positions of persons nominated by the Vietnam Administration , who are responsible in issuing the certificate, will be communicated to the Brunei Administration before the entry into force of this MoU.
 - c. Any changes in the list of persons nominated will be forwarded to the Brunei Administration within ninety (90) days of such change.
 - d. The Brunei Administration will communicate in writing, before the entry into force of this MoU, the list of names and positions of persons which the Brunei Administration has nominated to act on its behalf to carry out the verifications of the validity or the contents of a certificate issued by Vietnam Administration.
- (viii) Where a seafarer presents for recognition a certificate issued under the provisions of regulations II/2, III/2 or III/3 or issued under VII/1 at the management level, as defined in the STCW Code, the Brunei Administration will not recognise the certificate unless it is satisfied that the seafarer has an appropriate knowledge of the maritime legislation of the

Brunei Administration relevant to the functions the seafarer is permitted to perform.

- (ix) Where the Brunei Administration, for disciplinary reasons suspends, revokes or otherwise withdraws its Certificate of Recognition of a certificate issued by the Vietnam Administration, the Brunei Administration will provide the Vietnam Administration with full details of the circumstances, within ninety (90) days of so doing.

IV. AMENDMENTS AND MODIFICATIONS

The Participants may , at any time, agree in writing to modify or otherwise amend this MoU by mutual consent. Such amendments and modifications will become part of this memorandum on a date mutually determined by both Participants.

V. SETTLEMENT OF DISPUTES

Any dispute arising from the interpretation or implementation of this MoU will be resolved amicably by consultation or negotiation between the Participants.

VI. DURATION AND ENTRY INTO FORCE

This MoU comes into effect on the date of its signature by both Participants. It will continue to have effect for a period of five (5) years.

VII. TERMINATION

This MoU may be terminated by either Participant by written notice given at least six (6) months before the date on which it intends that the MoU will cease to have effect. Unless either Participant gives such notice at least six


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(6) months before the date when this MoU would have ceased to have effect under the preceding paragraph, it will be renewed automatically for a further period of five (5) years.

We, the undersigned, being duly authorised by the respective Participants, have endorsed this MoU.



NGUYEN CONG DUC

**FOR THE VIETNAM
ADMINISTRATION**



BOLKINI HAJI ABDUL RAHMAN

**FOR THE BRUNEI
ADMINISTRATION**

Dated this 16th day
of September 2002

Dated this 13th day
of August 2002

ANNEX

CONTACT DETAILS

AUTHENTICATION OF BRUNEI CERTIFICATES

MARINE DEPARTMENT
SERASA, MUARA BT 1728
BRUNEI DARUSSALAM

Attn: Examination and Certification Section
Fax: 673-2-771356
Email: cert@brunet.bn

Deck Officers:

In-charge: Capt. Haji Abdul Aziz bin Abdullah
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Email: aziz_abdullah@marine.gov.bn

Engineer Officers:

In-charge: Haji Abdul Kadir bin Siraj
Tel: 673-2-771355
Email: kadir_siraj@marine.gov.bn

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AUTHENTICATION OF VIETNAM'S CERTIFICATES

VIETNAM NATIONAL MARITIME BUREAU,
NO.8- PHAM HUNG STREET,
MAI DICH,
CAU GIAY DISTRICT,
HANOI,
VIETNAM

Attn: **Ships and Seafarers Registration and Certification Department**

Tel: 84-4-7683192

Fax: 84-4-7683058

International Cooperation Department

Tel: 84-4-7683199

E-mail: marincodept@fpt.vn

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- (iv) In accordance with regulation I/10, paragraph 1.1, of STCW95, the Brunei Administration will allow the Vietnam Administration to carry out periodic inspection of its approved facilities and procedures and will make materials and training facilities available for inspection and review when requested. Similarly the Brunei Administration will allow the Vietnam Administration to have access to the results of the quality standards evaluations conducted in accordance with regulation I/8 of STCW95.
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BOLKINI HAJI ABDUL RAHMAN

**FOR THE BRUNEI
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Dated this 13th day
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