

**Undertaking  
between  
The Portuguese Republic  
and  
Montenegro  
Concerning the Recognition of Certificates under  
Regulation 1/10 of the STCW Convention, 1978, as amended**

The competent authorities of the Portuguese Republic and Montenegro (hereinafter referred to as: "Parties"),

**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 Watch keeping for Seafarers of 7 July 1978, as amended (hereinafter referred to as "the STCW Convention");

**HAVING REGARD** to the guidance on arrangements between Parties to the STCW Convention approved by the Maritime Safety Committee of the International Maritime Organization during its ninety-first session in November 2012 (MSC.1/Circ.1450);

Have concluded the following Undertaking:

**1. Scope**

1. The purpose of this Undertaking is to lay down the conditions mutually agreed upon for the issue of Portuguese recognition certificates, in the following called Portuguese flag state endorsements as defined in the STCW Convention.
2. This agreement is made without prejudice to the National Laws of either Party.

## 2. Identification and contact addresses of the Parties to this undertaking

1. The Direção-Geral de Recursos Naturais, Segurança e Serviços Marítimos, for the purpose of the present Undertaking referred to as "the Administration", is the competent authority for the Government of Portugal, and the Ministry of Transport and Maritime Affairs and for the purpose of the present Undertaking referred to as "the certificate-issuing Party", is the competent authority for the Government of Montenegro.
2. The official responsible for the implementation of this Undertaking acting on behalf of the Administration (hereinafter referred to as "the official of the Administration") is the Head of the Seafarer's and Yachtsmen Division of the Direção-Geral de Recursos Naturais, Segurança e Serviços Marítimos.
3. The official responsible for the implementation of this Undertaking acting on behalf of the certificate-issuing Party (hereinafter referred to as "the official of the certificate-issuing Party") is the Director – General of Maritime Affairs Directorate, Ministry of Transport and Maritime Affairs
4. Contact addresses for the Administration is:

Direção-Geral de Recursos Naturais, Segurança e Serviços Marítimos

Avenida Brasília  
1449-030 Lisboa - Portugal  
Phone +351213035730  
Fax +351213035702  
E-mail [cleitao@dgrm.mm.gov.pt](mailto:cleitao@dgrm.mm.gov.pt)  
Website: <https://www.dgrm.mm.gov.pt>

5. Contact addresses for the certificate-issuing Party is:

Director – General of Maritime Affairs  
Directorate

Ministry of Transport and Maritime Affairs  
Rimski trg 46  
81000 Podgorica  
Phone +381 81 234 179  
Fax: +381 81 234 331  
E-mail: [kabinet@msp.gov.me](mailto:kabinet@msp.gov.me)  
Website: <http://www.minsaob.gov.me>

## 3. Preconditions

The precondition for this Undertaking to take effect and to remain in effect are that:

- a) The Maritime Safety Committee of IMO has confirmed that the information submitted to IMO by Montenegro in accordance with Article IV and regulation 1/7

of STCW Convention demonstrates that full and complete effect is given to the provisions of the STCW Convention.

- b) An implementing decision of the European Commission has been adopted on the recognition of Montenegro pursuant to Directive 2008/106/EC of the European Parliament and of the Council, as amended, as regards the systems for the training and certification of seafarers.

#### **4. Visits to the certificate-issuing party**

1. The Administration may visit facilities, the purpose of which may include observation of procedures and review of policies approved or employed by the certificate-issuing Party for meeting the requirements of the STCW Convention.
2. The purpose of the visit will be limited to one or more of the following:
  - a) Standards of competence;
  - b) Training;
  - c) The issue, endorsement, revalidation and revocation of certificates;
  - d) Record-keeping;
  - e) Standards of medical fitness;
  - f) Quality standards; and
  - g) Communication and response process to requests for verification.
3. When requesting a visit, the Administration will observe the following conditions:
  - a) A request to visit facilities will be forwarded in writing, by telefax or e-mail, by the official of the Administration to the official of the certificate-issuing Party, before the intended date of the visit;
  - b) The request will list the motives which, in the view of the Administration, make it necessary to carry out a visit;
  - c) The request will name the specific facility or facilities which the Administration intends to visit;
  - d) The request will contain the names of the officials taking part in the visit and their position in the Administration.
  - e) The Administration shall communicate the results of any evaluation carried out pursuant to the provision of the above paragraph to the certificate-issuing Party within three (3) months from its completion.

#### **5. Access to reports**

1. The certificate-issuing Party will make available to the Administration the results of Quality standards evaluations conducted in accordance with regulation 1/8 of the STCW Convention.
2. The certificate-issuing Party will provide reports of steps taken to implement any subsequent amendments to the STCW Convention and STCW Code in accordance with section A-I/7 of the Code.

## **6. Procedures for communication and response process to requests for verifications**

1. The Administration shall, in accordance with Regulation I/10 of the STCW Convention, verify the authenticity and validity of the contents of a certificate issued by the certificate-issuing Party. It also may request other documentary evidence issued in the Montenegro possibly by other authorities such as maritime education and training institutes, if such evidence is considered relevant for the Administration in evaluating qualifications of individual applicants for Portuguese flag state endorsement.
2. In case the Administration requests verification in accordance with subparagraph 1, the official of the Administration will enter into contact in writing, by telefax, or by e-mail, with the official of the certificate-issuing Party. Or alternatively via a dedicated on-line system where the certificate-issuing Party provide this.
3. The official of the certificate-issuing Party will respond in writing, by telefax or by e-mail, to such a request within two working days.
4. After 1<sup>st</sup> January 2017 the certificate issuing Party undertakes to ensure that an electronic direct access, in accordance with Regulation I/2.16 of the Convention is available and to provide the Administration with means of access.

## **7. Information on withdrawal or revocation**

1. The official of the certificate-issuing Party will without delay notify the official of the Administration of any withdrawal or revocation for disciplinary or other reasons of a certificate or endorsement issued by it.
2. The official of the Administration will without delay notify the official of the certificate-issuing Party of any withdrawal or revocation of an endorsement of recognition issued by it for disciplinary or other reasons.
3. The notification in accordance with subparagraphs 1 and 2 shall be given within thirty (30) days of the action giving full details of the circumstances.

## **8. Recognition by endorsement of certificates issued by another Party**

The certificate-issuing Party acknowledges that endorsements issued by it in recognition of a certificate issued by another Party to the STCW Convention, as amended, will not be accorded further recognition by the Administration under the provisions of Regulation 1/10.6 of the STCW Convention.

## **9. Knowledge of the Portuguese Maritime Legislation**

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

## 10. Other designated persons

1. The official of the Administration and the official of the certificate-issuing Party may designate one or more persons to perform on their behalf any functions referred to in paragraphs 6 and 7.
2. The official of the Administration and the official of the certificate-issuing Party will, before the entry into effect of this Undertaking, each communicate to the other a list in writing of the persons they have designated in accordance with subparagraph 1. These lists will also specify the position of the persons concerned.
3. At the earliest possible opportunity, the official of the Administration and the official of the certificate-issuing Party will each forward to the other in writing any changes in the list communicates in accordance with subparagraph 2.

## 11. Information in case of significant changes in arrangements for training or certification

1. The certificate-issuing Party will promptly notify the Administration of any significant changes in the arrangements for training and certification provided in compliance with the STCW Convention.

Such notification will be given at least in the following cases:

- a) Changes in the position, address or access information for the official responsible for the implementation of this Undertaking;
- b) Changes affecting the procedures set for in this undertaking; and
- c) Changes which amount to substantial differences from the information communicated to the Secretary-General of IMO pursuant to Section A-I/7 of the STCW Code.

## 12. Termination of this Undertaking

1. Either Party may terminate this Undertaking by giving six (6) month notice in writing to the other Party.
2. Before giving notice of termination in accordance with subparagraph 1, the Party in question will communicate the reasons for termination in writing to the other Party.
3. The other Party will reply to the communication referred to in subparagraph 2 by making written observations within two months from the date of communication.

### 13. Entry into effect

This Undertaking will enter into effect upon signature by both the Direção-Geral de Recursos Naturais, Segurança e Serviços Marítimos for the Portuguese Maritime Administration and the Ministry of Transport and Maritime Affairs for the Government of Montenegro Republic

### 14. Validity

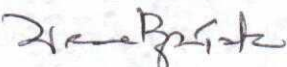
1. Without prejudice of the referred in paragraph 10, this Undertaking shall be in force for five (5) years from the date referred to in paragraph 11.
2. Unless either Party gives writing notice at least six (6) months before the date of the normal expiration of this Undertaking, it shall be renewed automatically for a further period of five (5) years.

### 15. Amendments

This Undertaking may be amended after a relevant proposal has been made unilaterally or bilaterally and with the consent of both Parties

For the Direção-Geral de Recursos Naturais, Segurança e Serviços Marítimos

Name: Engº José Carlos Simão


Signature:  **Susana Baptista**  
Subdiretora-Geral

Date: 02/08/2018

atencencia, nos termos do Despacho nº 1135/2018,  
publicado no DR II Série, nº 22, de 31 de janeiro de 2018

For the Ministry of Transport and Maritime Affairs, Maritime Affairs Directorate

Name: Capt. Vladan Radonjić

Signature: 

Date: 24.09.2018

