

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE UNITED STATES COAST GUARD

AND

TRANSPORT CANADA

RESPECTING

**MUTUAL RECOGNITION OF DOMESTIC
MARINER QUALIFICATIONS**

ARTICLE I

Purpose & Aim

This memorandum of understanding provides an administrative framework, which allows for the recognition of the regulatory hours of rest and personnel licensure/certification applicable to each nation's trading vessels while trading in the domestic waters of either the United States or Canada.

This memorandum of understanding provides a bilateral understanding that will allow US or Canadian flag vessels to trade between each respective nation with the minimum of economic hardship.

ARTICLE II

Principles & Commitments

Transport Canada Marine Safety (TCMS) and the United States Coast Guard (USCG) recognize that each has a distinct responsibility for the management of marine transportation safety and environmental protection.

This memorandum of understanding is purely an administrative arrangement intended to cement the recognition of each nation's regulatory provisions in order that vessels of both nations can freely trade between each nation without fear of detention under Port State Control (PSC) procedures and checks.

The first obligation of both the USCG and TCMS is to maintain the high level of marine safety and environmental protection the public of both nations has come to expect. Effective international co-operation by a bilateral agreement promotes public confidence and sound economic planning.

TCMS and the USCG are committed to co-operate and communicate openly and continuously with each other at the appropriate official levels on any and all matters relating to the administration of marine transportation safety and environmental protection that mutually affect each nation.

Legislation And Regulations

Both nations are signatory to the International Maritime Organization (IMO) convention on the *Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended*. As such each nation has made a submission to the IMO as required by regulation I/7 of the STCW 95 convention stating their method of implementing the said convention through national regulation and procedure. Each nation has been found by IMO to have given full and complete effect to the STCW 95 convention.

Canada amended its *Crewing Regulations and Marine Certification Regulations*, which enshrine the intent and requirements of the STCW 95 convention. However with respect to the issue of hours of rest Canada will allow Canadian flag vessels trading within its domestic waters to maintain the hours of rest provision as stated in the present *Crewing Regulations*. The regulations will be amended to reflect the hours of rest provision from STCW 95 being mandatory for Canadian flag vessels on a safety convention voyage.

The United States regulations reflecting STCW 95 are contained in Title 46, Code of Federal Regulations, Subchapter B.

ARTICLE IV

International Relations

Both nations have vessels, predominantly tugboats that trade between or through each nation's territorial waters. In this respect, vessels are employed which meet a dual domestic/international regulatory structure that requires them to be flexible enough to engage in cross border trading.

This MOU will have a positive effect on the mutual marine trading patterns developed between interests within each nation without any compromise to maritime safety.

ARTICLE V

Policy

The stated policy is as follows:

Consistent with Regulation I/3 of the Convention on the *Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended*, and Regulation B-1/3.2 of the STCW Code, it is our stated policy that vessels trading between the United States and Canada will abide by the legislation for domestic (home-trade) voyages, of the nation in which they are registered while engaged in cross border trade between the United States and Canada.

Issue Coordination Mechanism

It is the policy of the USCG and TCMS that any violation detected by a PSC inspector be immediately reported back to the nearest flag state marine safety official (i.e., USCG Officer in Charge, Marine Inspection or TCMS Principal Surveyor) associated with the vessel's departure or homeport base.

It is the policy of the USCG and TCMS that any resolution required with respect to individual flag state requirements should be closely coordinated and immediately processed through the flag state marine safety official most associated with the vessel of concern.

ARTICLE VII

Terms And Amendments

Either the USCG or the TCMS may ask for a review of this MOU at any time.

This MOU may be jointly modified at any time by the national office of primary interest (OPI) of each nation for the purposes of this MOU.

The United States OPI is the Commanding Officer, USCG National Maritime Center under the supervision of the USCG Assistant Commandant for Marine Safety, Security and Environmental Protection in Arlington, Virginia..

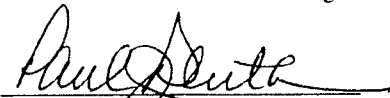
The Canadian OPI is the Director, Marine Personnel Standards and Pilotage of TCMS in Ottawa, Ontario.

ARTICLE VIII

Timing

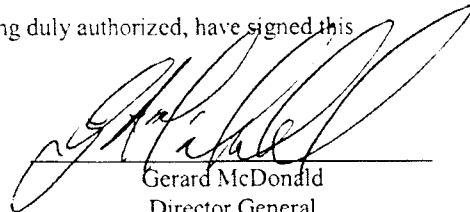
The understandings contained in this MOU are applicable when it is signed by representatives of both the USCG and TCMS. Either the USCG or the TCMS may discontinue application of the understandings contained herein at any time, but should provide ninety days written notice to the other before discontinuation. Such discontinuation will not affect any cooperative activities undertaken pursuant to the MOU that are initiated prior to such termination unless there is mutual agreement of the USCG and TCMS.

IN WITNESS THEREOF, the undersigned, being duly authorized, have signed this Memorandum of Understanding.



Rear Admiral Paul Pluta
U.S. Coast Guard
Assistant Commandant for
Marine Safety, Security and
Environmental Protection

Date 14 November 2002



Gerard McDonald
Director General
Marine Safety
Transport Canada

Date 14 Nov '02.