[MIA MEMORANDUM CIRCULAR NO. 143, June 03, 1999]

RULES AND REGULATIONS TO IMPLEMENT THE INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE IN DOMESTIC SHIPPING

Pursuant to its mandate under PD No. 474 and E.O. No. 125 as amended, the Maritime Industry Authority (MARINA) issued Flag State Administration Advisory No. 8 on 06 October 1998, serving notice on the implementation of the International Management Code for Safe Operation of Ships and for Pollution Prevention (ISM Code) which the Philippine Government opts to implement for selected domestic ships and companies/operators.

In order to ensure effective implementation thereof, the MARINA Board of Directors, during its 148th Regular Meeting On 03 June 1999 approved the following Rules and Regulations.

I
Objectives

1. To ensure compliance with the ISM Code through the herein adopted Rules and Regulations.

2. To foster a culture of safety and environmental protection in domestic shipping operations, whereby affected companies and ships shall:

- Provide safe practices in ship operation and safe working environment;

- Establish safeguards against all identified risks; and

- Continuously improve safety management skills of personnel ashore and aboard ships, to include preparing for emergencies related both to safety and environmental protection.

II
Coverage

Taking into account the scheduled coverage under the ISM Code and the attendant required compliances with other Conventions, as harmonized with the existing policy of the Administration on ships required to be classed, with such being essentially mandated by the paramount concern of the state of ensuring the safety of lives of passengers and oil pollution prevention, the following ships are hereby covered:

1. Passenger High Speed Crafts (in conjunction with M.C. No. 121 and subsequent amendments);

2. Passenger-carrying ships required to be classed and those currently classed (in conjunction with M.C. 25 as amended, M.C. 104 and M.C. 124 and subsequent amendments);

3. Oil Tankers, Chemical Tankers and Gas Carriers 500 gross tons and above (in conjunction with M.C. No. 56 as amended, M.C. No. 104, M.C. no. 128 and subsequent amendments); and

4. Bulk Carriers 500 gross tons and above and required to be classed. (In conjunction with M.C. No. 124 and subsequent amendments).

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III
Definition/References:

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For purposes of this Circular, the following terms are hereby defined:

1. "Administration" refers to the Maritime Industry Authority.

2. "Code" means the International Management Code for the Safe Operation of Ships and for Pollution Prevention known as ISM Code.

3. "Company" means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed responsibility for operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the Code.

4. "Safety Management System" (SMS) means a structured and documented system enabling company personnel to effectively implement the company's safety and environmental protection policy.

5. "Document of Compliance" (DOC) means the document issued to a company complying with the requirements of the ISM Code.

6. "Safety Management Certificate" (SMC) means the document issued to a ship after verification that the company and its shipboard management operate in accordance with the approved SMS.

7. "Recognized Organization" shall refer to any organization recognized and accredited by the Administration such as the International Classification Societies or other organizations who conduct ISM audit and perform ISM certification services for Philippine domestic companies and its ships.

Further guidance, elaborations or interpretations relative to the implementation of this Circular shall be made in accordance with the following:

- ISM Code;

- SOLAS Chapter IX (Management for the Safe Operation of Ships);

- IMO Resolution A.788 (19), inclusive of its Annex and Appendices; and

- IMO Resolution A. 739 (18), inclusive of its Annex and Appendices