

MEMORANDUM CIRCULAR

No. 09-09-2004

SUBJECT: Guidelines for the implementation of SOLAS Convention amendment requiring Automatic Identification System (AIS) and International Ship and Port Facility Security Code (ISPS)

Pursuant to Act 3846, as amended, Executive Order No. 546, and in conformity with the International Convention for the Safety of Life at Sea (SOLAS) 1974, as amended, the National Telecommunications Commission hereby promulgates the following guidelines for the implementation of SOLAS Chapter V/Regulation 19 and Chapter XI-2/Regulation 6.

A. OBJECTIVES

1. To provide specific guidelines in the implementation of security measures in accordance with SOLAS 1974, as amended, specifically on:
 - 1.1 Chapter V/Regulation 19 concerning Carriage Requirement for Shipborne Navigational Systems and Equipment for Automatic Identification System; and
 - 1.2 Chapter XI-2/Regulation 6 on the provision of Ship Security Alert System
2. To enhance maritime safety and security on board Philippine Registered Ships.

B. COVERAGE

1. All Philippine Registered Ships engaged in international voyages
2. Philippine Registered Ships primarily documented for domestic trade but temporarily allowed by the Administration in coordination with the Commission to undertake international voyages.



C. DEFINITION OF TERMS

1. Administration – refers to the Maritime Industry Authority (MARINA)
2. Commission – refers to the National Telecommunications Commission (NTC)
3. Convention – means the International Convention for the Safety of Life at Sea, 1974, as amended.
4. Code – refers to the International Shipping and Port Facility Security (ISPS) Code
5. Company – refers to the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the ship owner and who upon assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the Code.
6. Ship – refers to Philippine registered ships engaged in international voyages and covered by this Circular.
7. Automatic Identification System (AIS) – a device which indicates the ship's identity, type, position, course, speed, navigational status and other safety related information to appropriately equipped shore stations, other ships and/or aircraft.
8. Ship Security Alert System (SSAS) – is a system that when activated, will initiate and transmit a ship-to-shore security alert to a competent authority designated by the Administration, identifying the ship; its location; and indicating that the ship is under threat or has been compromised.

D. GENERAL PROVISIONS

D.1 Automatic Identification System (AIS)

1. All ships covered by this Circular shall be fitted with AIS in accordance with the following schedule:



Construction Date	Type of Vessel	Size/Gross Tonnage	Implementation Date
Ships constructed on or after 01 July 2002	Passenger Ships	Irrespective of size	Upon construction
	Cargo Ships	300 GT and upwards	Upon construction
Ships constructed before 01 July 2002	Passenger Ships	Irrespective of size	Not later than 01 July 2003
	Tankers	300 GT and upwards	Not later than the first survey for safety equipment on or after 01 July 2003
	Other Ships	50,000 GT and upwards	Not later than 01 July 2004
	Other Ships	300 GT upwards but less than 50,000 GT	Not later than the first survey for safety equipment* after 01 July 2004 or by 31 December 2004 whichever occurs earlier

*The first survey of safety equipment means the first annual survey, the first periodical survey or the first renewal survey for the safety equipment whichever is due first after 01 July 2004, and, in addition, in the case of ships under construction, the initial survey.



2. The AIS shall:
 - 2.1 provide automatically to appropriately equipped shore stations, other ships and aircraft information, including the ship's identity, type, position, course, speed, navigational status and other safety related information;
 - 2.2 receive automatically safety related information from similarly fitted ships;
 - 2.3 monitor and track ships; and
 - 2.4 exchange data with shore-based facilities.
3. A ship may be exempted from the requirement of this Circular provided the ship will be taken permanently out of service within two (2) years after the implementation date. For this purpose, the company operating such ship shall submit an undertaking attesting to such fact.

D.2 Ship Security Alert System

1. All ships covered by this Circular shall be provided with a ship security alert system in accordance with the following schedule:

Construction Date	Implementation Date
1. Ships constructed on or after 01 July 2004	Upon construction
2. Ships on international voyages constructed before 01 July 2004	
<ol style="list-style-type: none"> a. passenger ships/including high speed craft irrespective of size b. oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high speed crafts of 500 GT and upwards c. other cargo ships of 500 GT and upwards and mobile offshore drilling units 	<p>Not later than the first survey of the radio installation after 1 July 2004</p> <p>Not later than the first survey of the radio installation after 1 July 2004</p> <p>Not later than the first survey of the radio installation after 1 July 2006</p>

2. The ship security alert system, when activated shall:
 - 2.1 initiate and transmit a ship-to-shore security alert to a competent authority designated by the Administration and to the company operating the ship, identifying the ship, its location and indicating that the security of the ship is under threat or it has been compromised;
 - 2.2 not send the ship security alert to any other ships;
 - 2.3 not raise any alarm on-board ship; and
 - 2.4 continue the ship security alert until deactivated and/or reset.
3. The ship security alert system shall:
 - 3.1 be capable of being activated from the navigation bridge and in at least one other location; and
 - 3.2 conform to performance standards not inferior to those adopted by the International Maritime Organization (IMO).
4. The ship security alert system shall be designed so as to prevent the inadvertent initiation of the ship security alert.
5. The requirement for a ship alert system may be complied with by using the radio installation fitted for compliance with the requirements of Chapter IV on Radio Communications of SOLAS 1974, as amended, provided all requirements of this Circular are complied with.

E. LICENSING REQUIREMENT

1. The operation of AIS and SSAS must be covered with appropriate permits and licenses as provided under existing rules and regulations.
2. Fees and charges shall be collected in accordance with Memorandum Circular No. 19-12-2000 dated 12 December 2000.



Fees	Automatic Identification System (PHP)	Ship Security Alert System (PHP)
Filing Fee	180.00	180.00
Permit to Purchase	96.00	360.00
Permit to Possess	60.00	360.00
Construction Permit	1200.00	1200.00
Radio Station License	Shall be collected a Modification Fee of PHP180.00 prior to inclusion to Ship Station License.	1440.00
Inspection Fee	Fee shall be inclusive to the inspection fee of the Ship Station License.	1200.00

F. ADMINISTRATIVE SANCTIONS

A company who violated any provisions of this Circular, after due notice and hearing, shall be imposed appropriate administrative and penal sanctions in accordance with the existing laws, rules and regulations.

First Offense	-	PHP 5, 000.00
Second and Succeeding Offense	-	PHP 10, 000.00

G. REPEALING CLAUSE

All memorandum circulars, rules and regulations and other issuances inconsistent with this Memorandum Circular are hereby amended, repealed or modified accordingly.



H. EFFECTIVITY

This Circular shall take effect fifteen (15) days after publication in a newspaper of general circulation and three (3) certified true copies furnished the UP Law Center.

September 13, 2004 Quezon City, Philippines.



KATHLEEN G. HECETA
Deputy Commissioner

RONALD OLIVAR SOLIS
Commissioner

JORGE V. SARMIENTO
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