



Department of Transportation and Communications
PUNONGHIMPILAN TANODBAYBAYIN NG PILIPINAS
Headquarters Philippine Coast Guard
139 25th Street, Port Area
1018 Manila

24 August 2012

HPCG / CG-8

MEMORANDUM CIRCULAR
NUMBER.....06-12

VESSEL SAFETY ENFORCEMENT INSPECTIONS

I. AUTHORITY:

A. Republic Act 9993 (Philippine Coast Guard Law of 2009)

II. REFERENCE:

A. DOTC Department Order 2012-01 dated 09 Jan 2012 entitled Mandating the Strict Implementation of Precautionary, Safety and Security Measures to Ensure Safe, Fast, Efficient and Reliable Transportation Services, the Immediate Implementation of Quick Response Protocols, and the Immediate Investigation of Transformation-Related Incidents.

B. Philippine Merchant Marine Rules and Regulation (PMMRR), as amended

C. SOLAS 74/78, as amended

D. MARPOL 73/78, as amended

III. PURPOSE:

This Memorandum Circular prescribes policies for an effective safety inspection of all Philippine-registered vessels engaged in domestic trade calling at any ports in the country to verify their continuing compliance to certain aspect of seaworthiness in accordance with applicable safety standards, rules and regulations and to safe, fast, efficient and reliable conveyance of passengers and cargoes.

IV. SCOPE:

This Memorandum Circular applies to all Philippine-registered vessels engaged in domestic trade to include fishing vessels of 3 gross tonnage and above calling at domestic ports except for ships not propelled by mechanical means wooden ships of primitive build, ships of war and troopships, Government vessels and pleasure yachts not engaged in trade.

V. DEFINITION OF TERMS:

For the purpose of this Circular, the following words and phrases shall be defined as:

Clear Grounds – evidence that the ship, its equipment, or its crew does not correspond substantially with the requirements of the relevant maritime laws or that the master or crew members are not familiar with essential shipboard procedures relating to the safety of the ships or the prevention of marine pollution;

Deficiency – a condition found not to be in compliance with the requirements of the relevant maritime regulations;

Detention – intervention action taken by the boarding team/authority when the condition of the ship or its crew does not correspond substantially with the applicable laws to ensure that the ship will not sail until it can proceed to sea without presenting any danger to the ship or person on board, or without presenting any threat of harm to the marine environment;

Inspection Checklist – a list of documents, equipment, machinery, life-saving appliances and maritime safety devices that should be examined and evaluated by Vessel Safety Enforcement Inspectors while conducting vessel safety inspection.

More Detailed Inspection – an inspection conducted when there are clear grounds to believe that the condition of the ship, its equipment, or its crew does not correspond substantially with the particulars of the certificates.

Philippine-Registered Vessel – All vessels registered in the Philippines.

Seaworthy – ability of the vessel to withstand ordinary stress of wind, waves and other weather disturbances which the vessel might normally be expected to encounter and that the vessels is manned by competent officers and crew.

Stoppage of an Operation – formal prohibition against a ship to continue an operation due to the identified deficiency(ies) which, singly or together, render the continuation of such operation hazardous;

Sub-standard Ship – a ship whose hull, machinery, equipment or operational safety is substantially below standards required by relevant maritime laws or regulations or whose qualification of crew does not satisfy the standard manning requirements;

Valid Certificate – a certificate that has been issued by a cognizant government agency or on its behalf by a Recognized Organization which attests to the substantial compliance of ship, its equipment or crew with the required standards.

Vessel Safety Enforcement Inspection Deficiency Codes – a list of conditions of the vessel, its equipment, and crew that are not in compliance with the requirements of relevant maritime regulations and their corresponding codes that will be used to designate the specific deficiencies appearing in the checklist and EIAR.

Vessel Safety Enforcement Inspectors(VSEI) – duly trained, qualified and authorized PCG personnel task to evaluate and examine the validity of documents of the vessel and crews as well as the over-all condition of the vessel's hull, machinery

VI. GENERAL PROVISIONS:

- A. The inspections under this Circular shall include but not limited to the following:
1. Plans for the safe construction repair, modification or alteration of vessels;
 2. Compliance to standards of materials, equipment and appliances of vessels;
 3. Appropriate classification or categorization of vessels;
 4. Safe manning level of vessels;
 5. Compliance to loadline and stability requirements;
 6. Safety management and operational systems;
 7. Security plans and measures implemented by vessels;
 8. Observance of proper hull and machinery conditions and maintenance;
 9. Compliance to proper admeasurements of vessels, watercraft and similar conveyances.
- B. The Vessel Safety Enforcement Inspections shall be undertaken on the basis of:
1. the initiate of the PCG
 2. the request of or on the basis of information regarding a ship provided by a Government agency;
 3. information regarding a ship provided by a member of a crew, a professional body, an association, a trade union or any individual with an interest in the safety of the ship, its crew and passengers, or in the protection of the marine environment.
- C. The inspection shall also be conducted if after the vessel has been subjected to PDI and while underway, supervising events happen that would endanger continuous navigation. In which case the vessel shall be directed to immediately proceed to the nearest possible port of refuge for purposes of conducting more detained inspection.
- D. The PCG may suspend, hold, stop or prevent the departure of vessel to ensure compliance with the applicable safety standards, rules and regulations and to prevent it from further presenting danger to the vessel or persons on board or other vessels navigating along its route, or harm to the marine environment.

VII. POLICIES:

- A. The Vessel Safety Enforcement Inspection shall be carried out in order to assess whether the ship and/or crew, throughout its forthcoming voyage, will be able to:
1. exercise extraordinary diligence in ensuring the safe, fast, efficient and reliable conveyance of passengers;
 2. navigate safely;
 3. maintain adequate stability and trim condition;
 4. safely handle, carry, secure and monitor the condition of the cargo;
 5. maintain all propulsion and proper steering;
 6. operate the ship's machineries safely;
 7. fight fires and prevent flooding effectively in any part of the ship, if necessary;
 8. prevent pollution of the environment;
 9. maintain adequate watertight integrity;
 10. communicate in distress situations if necessary;
 11. provide adequate life saving devices corresponding to its maximum authorized passenger and crew capacity;
 12. provide safe and healthy conditions on board;
 13. complete officer and adequate crew complement corresponding to the proper observance of appropriate periods of work and rest from work;
 14. weather condition does not merit the suspension of the voyage;
 15. required operational and emergency readiness standards of crew is met;
 16. documentations and certificates are complete and valid;
 17. sufficient training of the crew based on actual "Operational Readiness Evaluation" and
 18. other analogous circumstances.
- B. The inspection shall be guided by the Vessel Safety Enforcement Inspection Checklist applicable to each type of vessel (Form F);
- C. The Master or in his absence, the senior deck officer on board, should be notified on the purpose of the visit. He shall provide the Inspection Team information as to the last vessel safety inspection that took place;
- D. In the event the inspection is undertaken within the last three (3) months and the corresponding report was found to be satisfactory, no further action should be taken. In case the report shows some deficiencies, the inspection should focus on the remedial actions taken by the Master on the deficiencies noted on the previous inspection. No further action shall be taken if the previous deficiencies are found to have already been rectified. In case the previous deficiencies remain uncorrected, the VSEI shall take note of the deficiencies and required the Master to rectify the same. The corresponding penalty shall be imposed for failure to correct the previously noted deficiency;
- E. In the event the ships have not undergone inspection within the prescribed three-month period, the inspection shall proceed to verify all the required certificates/documents and in the conduct of inspection as warranted. If the

inspection is satisfactory, the Vessel Safety Enforcement Inspection Checklist (Form F) shall be filled up. Upon completion of the inspection, the Master or senior officer on board shall be furnished with copy of the report.

- F. In case the ship is not carrying valid certificates, or if the Inspectors have clear ground to believe, from general impressions or observations on board, that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificates or that the master or crew is not familiar with essential shipboard procedures, a more detailed inspection should be carried out;
- G. The Master shall correct the deficiency within a specified time. The Operational restriction or detention of the ship shall be imposed in the interim until the deficiencies are corrected. If minor deficiencies are found but are deemed not to endanger the ship, the passengers/crew on board and the marine environment, the vessel may be allowed to proceed to the next port of call. The vessel shall address the deficiency at the next port. Non rectification of the noted deficiency shall be a ground for holding of departure;
- H. In determining whether the deficiencies are serious as to necessitate suspension, stoppage of operation or detention, the ships and/or officers and crew shall be assessed based on the ability to perform or comply, throughout intend voyage, with the following:
 - 1. the ship has valid documentation;
 - 2. the ship has satisfied the minimum Safe Manning Document or the crew requirement per its Certificate of Inspection
 - 3. length and nature of the intended voyage or service;
 - 4. whether or not the deficiency poses a danger to the ship, person on board or the environment;
 - 5. whether or not the appropriate periods of the crew can be observed;
 - 6. size and type of ship and equipment provided, and
 - 7. nature of cargo
- I. A combination of deficiencies of a less serious nature shall also warrant the detention of the ship.
- J. If a vessel is to be detained due to major deficiencies, the VSEI shall notify the MARINA and Philippine Port Authority of the detention of the vessel.
- K. After the VSEI team has completed the inspection, the Master shall accomplish the Certificate of Orderly Inspection (Form B). This will be followed by the proper and courteous departure of the team.
- L. The Enforcement Inspections Apprehension Reports EIAR (Form A) on ship with deficiencies/violation should be submitted to CPCG (Attention: DCS for Maritime Safety Services, CG-8), copy furnished the nearest MARINA office for the appropriate action. Same reports are also to be submitted by the VSEI Team to the District/Station and Detachment Commanders concerned.

- M. Re-inspection of vessel detained by concerned VSEI, Districts/Stations and Detachments shall be conducted on the date and time requested in writing by the vessels' owner, his authorized agent or the vessel's Master for verification of the rectification of deficiencies found during the VSEI inspection. No re-inspection fee shall be collected.
- N. The Master shall maintain an Inspection Record Book which shall serve as a permanent record of all deficiencies discovered in the course of every inspection.
- O. A record book which the master intends to utilize as the vessel's Inspection Record Book shall be submitted to the PCG for accreditation. All entries in the registered record book shall be in chronological order and no page therein shall be removed, deleted or erased. Any correction in the entry therein shall be countersigned by the person making the correction.
- P. No accreditation of Inspection Record Book shall be made unless the accreditation fee of Php 500 is fully paid. Such accreditation shall be valid for two years.

VIII. PENALTY CLAUSE:

A penalty of detention and a fine of P100,000.00 shall be imposed upon the Master or ship company for failure to correct major deficiencies that have been noted during previous inspections.

The same penalty shall be imposed for refusal to have the vessel re-inspected despite continuous findings of the existence of clear ground for inspection.

IX. SEPARABILITY CLAUSE:

Any section or provision of this Memorandum Circular held or declared unconstitutional or invalid by a competent court, shall not affect the other sections or provisions hereof and shall continue to be enforced as if the sections or provisions so annulled or voided had never been incorporated herein.

X. RESCISSION CLAUSE:

This Memorandum Circular rescinds HPCG/CG8 MC 01-98 on Flag State Control Inspection.

XI. EFFECTIVITY:

This Memorandum Circular shall take effect fifteen (15) days after completion of publication in the Official Gazette or in a news paper or general circulation.

Approved by:

