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DEMILITARIZATION OF MILITARY MUNITIONS AND EXPLOSIVE ORDNANCE ITEMS

FED PNP CIRCULAR NO. 12, S. 2008, March 12, 2008

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1. References:

a) Proposed Memorandum Circular No. 12 entitled Policy on Demilitarization of Military Munitions and Explosive Ordnance Items (TAB 1 *).

b) Presidential Decree 1866 dated 29 June 1983 as amended by Republic Act Number 8294 dated 06 June 1997, entitled "Codifying the Laws on Illegal/Unlawful Possession, Manufacture, dealing In, Acquisition or Explosives or Instruments Used in the Manufacture of Firearms, Ammunition or Explosives and Imposing Stiffer Penalties for certain Violations Thereof, and For Relevant Pur poses (TAB "A"*).

c) Revised Schedule of Fees (TAB "B"*).

d) SOP No. 04 dated April 19, 1991 entitled "Control and Supervision of the Importation. Sale, Possession and Use of Explosives (TAB "C"*). :

e) Circular Number 2 dated June 18, 2001 entitled Explosive Ordinance Dis posal (TAB "D"*).

f) Republic Act No. 6969 dated October 26, 1990 "An Act to Control Toxic Substances and Hazardous and Nuclear Wastes, Providing Penalties for Violations thereof and for Other purposes. (TAB "E"*).

g) Revised Administrative Code No. «83 & 884 (TAB "F"*).

h) Standard Operating Procedure No. 06 "Disposition of Explosive Ordinance and Ammunition (TAB "G"*).

i) Executive Order No. 552 dated June 26, 1992 "Amending Executive Order Mo. 60, Series of 1967, Prescribing the Rules and regulations for the Control and Supervision of the Importation, Sale, and Possession of Chemicals Used as Ingredients in the Manufacture of Explosives and for Other Purposes (TAB "H"*).

j) Standard Operating Procedure No. 01 dated January 31, 1997 "Renewal of Explosives Licenses" (TAB "I"*).

2. Purpose:

This Circular prescribes the procedures in the issuance of new and renewal of License to Operate (LTO) and Authority to Import for Demilitarization of Military Munitions and Explosive Ordnance Items. Likewise, it provides the provision in the supervision, monitoring and control of such items.

3. Scope:

This Circular shall apply to all natural and juridical persons who intend to engage in the Demilitarization of Military Munitions and Explosive Ordnance Items. This also sets the provision for the establishment and operation of Demilitarization sites.

4. Limitations:

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This Circular is limited for the demilitarization and importation of conventional military munitions/explosives ordinance items only. Unexploded Ordnance (UXO), Munitions Con stituents (MC), Chemical, Gas, Biological and Nuclear Munitions are not allowed to be imported.

5. Definition of Terms:

Applicant - is the interested party applying for the License to Operate.

Authority to Import-An official document issued by FED-CSG authorizing the importation of Military Munitions and Explosives Ordnance items for demilitarization.

Certificate of Competency - a certificate issued by Explosive Ordnance Disposal Division, Logistics Support Service, Philippine National Police (EODD-LSS), or from any recognized training institution local or abroad providing technical know-how and skills in the field of Ordinance Disposal.

Demilitarization - Demilitarization refers to a process in which ammunition is stripped down of its military characteristics and component parts using as much of the material obtained as is economically feasible.

Demilitarization Technician a person qualified and employed to undertake demilitarization activities on a demilitarization worksite. They are trained in the identification of munitions with regards to explosive configuration and type of fill, they are responsible for handling, dismantling, storage and safe dispositions of such items.

Demilitarization Technician License - a license issued by Explosive Management Branch. Firearms and Explosive Division (EMB-FED) to a demilitarization technician that an individual is authorized.

Demilitarization Worksite - any designated place where demilitarization activities are being undertaken. Demilitarization worksites shall include workplaces where dismantling operation and proper handling of explosive ordnance items and military munitions.

Disassembly is the removal of all explosives and components to disarm it by means other than detonation and combustion. The purpose of the method is to recover the active and non-active components of the ammunition for Resource, Recovery and Recycling (3R).

Explosive Materials - Components or ancillary items used by demiling organizations which contain some explosives, or behave in an explosive manner, such as detonators, fuzes and primers.

Explosive Ordinance (EO) - the substance that on ignition by heat, impact, friction or electronic/electrical detonation undergoes very rapid decomposition (as combustion) with the production of heat and formation of more stable products (as gases) which exert tremendous pressure as they expand at the high temperature producing a solid chemical compound or mixture of compounds. It includes bombs and warheads; guided and ballistic missiles artillery, mortar and rocket ammunition, anti-personnel and anti-tank mines, demolition charges pyrotechnics; grenades, torpedoes and depth charges; and all similar or related items or components; explosive in nature, designed to cause damage to personnel or material. It also includes all munitions containing high explosives (HE); nuclear fission on fusion materials.

License to Operate (LTO) an official document issued by FED-CSG authorizing the operation of any firm to engage in the demilitarization of Military Munitions and Explosives Ordnance item

Magazine-the term refers to any building, structure or container approved for the storage of explosive materials Military Munitions - all ammunition products and components produced for or used by the armed forces for the national defense and security including confined gaseous, liquid, and solid propellants explosives, pyrotechnics,

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chemical and riot control agents, smokes and incendiaries, including bulk explosives and chemical warfare agents, smokes and rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small-arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof.

Monitoring and Inspection - refers to the activity being conducted by any regulatory agency to confirm that the management systems and operational procedures are consistent with the existing laws, rules and regulations pertaining to the operation of a demilitarization company or firm.

Mutions Constituents (MC) - any materials originating from unexploded ordnance (UXO), or other military munitions including explosives and non-explosive materials, and emission, degradation, or breakdown elements of such ordnance or munitions.

Permit to Unload and Move-for the purpose of this Circular, this refers to the Authority issued or granted to a licensed demilitarization company or firm to effect the discharge of said products from the vessel to the customs/pier area up to the demilitarization worksite.

Unexploded Ordnance (UXO) - Explosive Ordnance which have been fired, projected, dropped (i.e. from aircraft to space vehicle), or place in such a manner as to be capable of having become armed and subject to detonation, and or accident, has failed to detonate.

6. Filing of Applications and Requirements:

The following documents shall be submitted in three (3) copies each to Headquarters, Firearms and Explosives Division, Civil Security Group (FED-CSG) for the application of License to Operate - Demilitarization (New and Renewal) as well as the Authority to Import and Other Permits.

a. Provisional License To Operate (pLTO)

1. Letter request addressed to Chief, PNP attention Chief, FED stating the purpose

2. Paid-up capital stock or Bank Certificate for single proprietorship in the amount of P500,000.00

3. Copy of SEC/DTI registration

4. Copies of Articles of Incorporation and By-Laws

5. Copy of Memorandum Of Agreement (MOA) between the firm and AFP if the site will be located inside military camp and;

6. Approval of the detailed site plans, facility layout including magazines.

b. NewLTO

1. Letter request addressed to Chief, PNP thru Chief, FED stating the purpose

2. Mechanical Permit and Certificate of Final Electrical Inspection/Comple tion issued by the City/Municipal Building Official

3. Certificate from Municipal/City Engineers Office that the site is located in the designated zone.

4. Certification/Affidavit of the Corporate Treasurer and Bank Statement that the Paid-up Capital stock is P500,000.00 or Certificate of Bank Deposit for Single proprietorship in the same amount.

5. License Fee

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6. Copy of Business Permit

7. Copy of Business registration from Securities and Exchange Commission (SEC) including their copies of Articles of Incorporation-and.By-Laws or DTI registration for Single Proprietorship

8. Environmental Compliance Certificate (ECC) issued by the DENR

9. MOA between the firm and AFP if the site will be located inside military camp

10. Inspection report conducted by authorized EOD technician from Explosives Management Branch (EMB) and Inspection and Investigation Branch (I & I) FED with representative from FESAGS showing the following:
a. Safety and Firefighting equipment
b. Equipment used for demilitarization
c. List of Personnel including proof of their qualification, status of employment and original local clearances (police, mayor, prosecutor, court, NBI and Dl) most importantly the demilitarization technicians.
d. Security and Evacuation Plan
e. Detailed Site Plans, facility layout including magazines

11. Safety and Security Officer

12. First-Aid Team

c. Renewal

1. Letter request addressed to Chief, PNP thru Chief, FED stating the pur-. pose.

2. Mechanical Permit and Certificate of Final Electrical Inspection/Completion issued by the City Building official

3. Certificate from Municipal/City Engineers Office that the site is located in " the designated zone.

4. License Fee

5. Copy of Business Permit

6. Copy of Business registration from Securities and Exchange Commission (SEC) including their copies of Articles of Incorporation and By-Laws or DTI registration for Single Proprietorship

7. Environmental Compliance Certificate (ECC) issued by the DENR

8. MOA between the firm and AFP if the site will be located inside military camp

9. Inspection report conducted by authorized EOD technician from Explosives Management Branch (EMB) and Inspection and Investigation Branch (I & I), FED with representative from
a. Safety and Firefighting equipment
b. Equipment used for demilitarization
c. List of Personnel including proof of their qualification, status of employment and original local clearances (police, mayor, prosecutor, court, NBl and Dl) most importantly the demilitarization technicians
d. Security and Evacuation Plan

10. Copy of previously approved LTO

11. Annual transaction report

d. Requirements for Authority to import

1. Letter request addressed to Chief, PNP
2. Photocopy of License to Operate
3. Original Special Bank Receipt (SBR)
4. Bond (which shall be 10% of the total contract price)

e. Requirements for Permit to Unload

1. Letter request addressed to Chief, FED (thru: Chief, EMB)
2. Photocopy of License to Operate
3. Photocopy of Permit to Import
4. Bill of Lading/Airway Bill and Delivery Receipt
5. Original Special Bank Receipt (amount is computed depending on quantity/ volume of incoming shipment)

7. Processing of Applications for License to Operate:

a. Ail Licenses to Operate (LTO) whether for new applications or renewal shall henceforth be valid for a period of five (5) years from the date of issuance. Application for renewal thereof shall be filed at Headquarters FED-CSG, Camp Crame, Quezon City not later than one hundred eighty (180) days before the expiration of the LTO regardless of the place of business. Upon expiration of the LTO, the firm should automatically ceased its operation.

b. Application for License to Operate shall be subject to the approval of the Chief, PNP. The License to Operate issued shall authorized the licensee concerned to engage in business only in the given address as indicated in the license. The amount of license fee to be collected shall be P60.000.00 in accordance with Executive Order No. 256. Consid ering that the LTO had been previously approved, succeeding renewal or amendment shall still be issued at the level of C, PNP.

c. New applicant may apply for a provisional License to Operate (pLTO) for him to be ab e to participate in a foreign bid. The validity of which shall be for a period of six (6) month subject for renewal upon request of the applicant. This can only be issued upon confirm tion that the firm has achieved substantial compliance based on the requirements enumerated in para 6 sec a above.

8. Importation of Military Munitions and Explosive Ordnance Items:

a. Only licensed from conducting demilitarization may import military munitions and ex plosive ordnance items. All imported military munitions and explosive ordnance items upon arrival and payment of taxes due on imported articles with the Bureau of Customs shall be transported from the port to the work site following the standards set in the author ity to transport military munitions and explosive ordnance items.

b. The authority to import shall be approved by the Chief, Philippine National Police. The validity of the Import Authority shall be one (1) year from the date of issue and renewable thereafter.

c. Upon the arrival of the imported munitions/ordnance items for demilitarization, the firm has already secured a Permit to Unload and Move issued by Chief, FED before the actual transport.

d. The transport of the imported, military munitions and explosive ordnance for demilitariza tion shall be similar with the guidelines embodied in the Standard Operating Procedure (SOP) implemented by Explosive Management Branch, FED in the transport of explosives or explosive ingredients.

9. Monitoring Control:

Monitoring and control includes the inspection of worksite, qualifications and training records of employees,

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insurance cover, general occupational health practices and records.

a. The provision of a safe working environment includes the design and layout of a worksite by marking hazardous areas, enforcing safety distances, and providing effective medical cover and casualty evacuation procedures.

b. Developing an appropriate medical support capacity requires good planning, well trained staff & the availability of medical services able to provide effective emergency treatment. FED-CSG should assess the medical support available on site including the qualifications of the medical staff, medical equipment, supplies, and drugs provided to the medical staff, & vehicles for casualty evacuation.

c. The provision of a safe working environment includes the safe storage, transportation & handling of munitions/ordnance items. An appropriate storage facilities, equipment & vehicles are required to develop & maintain appropriate procedures. FED-CSG should assess the suitability of the demilitarization firm's procedures for the safe storage, transportation & handling of munitions/ordnance items and assess how effectively the procedures are being applied.

d. All markings, brands, serial numbers, lot numbers including the manufacturers name must be properly noted down in a log book for records purposes.

10. Miscellaneous Provisions:

a. Actual importation shall not be allowed until such time that the demilitarization worksite is completed and operational.

b. The applicant shall submit a monthly report to FED-CSG on their demilitarization activities. The submission shall be within the first week of the succeeding month. The report should include the inventories of stocks.

c. The firm shall submit monthly certification/verification of the specific items that has been demilitarized. The certification/verification shall be signed by both the authorized representative of the firm and FED-CSG as a witness that demilitarization was properly done.

d. The firm shall submit to FED-CSG the complete list of their personnel as well as their proof of qualification and status of employment.

e. Hired EOD Technicians who are directly involved in demilitarization of explosive ord nance and military munitions must secure a Certificate of Competency issued by EODD, LSS or from any recognized institution as a proof of their professional qualification. It is a pre-requisite in obtaining demilitarization technician license issued by EMB-FED.

f. All equipment/facilities in the demilitarization operation shall be subject for the approval of FED-CSG

g. The demilitarization worksite including the magazine shall be subject for inspection by authorized representatives from Explosive Ordnance Disposal Division (EODD), Logistics Support Service (LSS), FED-CSG or from the Police Regional Offices (PRO) as often as necessary to ensure that the security and safety standards are met.

h. In case of stoppage of operation, the officials of the demilitarization firm or the owner in the case of single proprietorship shall be held liable in the clean-up operation of all the remaining explosive ordnance and military munitions. Otherwise, the bond will be forfeited in favor of the government.

i. The Demilitarization Technician License issued by Explosive Management Branch, Firearms and Explosive Division (EMB-FED) shail be valid for one (1) year. The pre-requisite for such issuance is the Certificate of

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Competency.

j. If an accident occurs, an investigation is a necessity. However, the firm will be temporarily ciosed until such time that investigation is thoroughly completed and it has been declared that it is safe to resume operations.

k. Chemicals and other end-product recovered from demilitarization that cannot be reduced and recycled shall be disposed in accordance with the proper waste disposal procedure.

l. The payment for Permitto Unload and Move Explosive shall be computed as two thousand (P2.000.00) pesos per twenty (20ft) footer container van.

m Violation of any of the conditions herein provided will be a sufficient ground for the revocation of the License to Operate.

n. Additional condition may be imposed by the Chief, Philippine National Police from time to time for the purpose of enforcing the rules and regulations governing the demilitarization of explosive ordnance and military munitions.

o. The demilitarization shall be in accordance with the existing laws, rules and regulations and that the movement and storage of ordnance/munitions items shall be under the supervision of Firearms and Explosives Division (FED), Civil Security Group.

11. Administrative Sanctions:

a. Without prejudice to the filing of criminal action if warranted, there shall be Administrative Sanctions of suspension or cancellation of license and or fine, depending on the gravity and nature of the offense on the following prohibited acts:

> 1.) Failureto maintain the basic security and safety requirements in handling, transporting and storage of military munitions and explosives ordnance subject for demilitarization including the failure to meet the standard storage safety distances.
>
> 2.)Failure to let employees wear proper Personnel Protective Clothing and Equipment in operational areas.
>
> 3.) Failure to submit monthly report on time to FED, CSG.
>
> 4.)Submission of spurious documents in the application for licenses.
>
> 5.) Failure to meet environmental safety requirements.
>
> 6.) Failure to meet the required intraline distances and the required specifications for the construction of magazines.
>
> 7.)Operating without valid license.
>
> 8.) Other similar offenses.

b. The Inspectorate Section of the Operations Branch and Explosives Management Branch, FED, CSG shall conduct investigation or; violations of the above provisions. Chief, FED shall recommend same to the C, PNP for approval.

12. The Chief, Firearms and Explosives division may formulate supplementary rules and regulations on matters not covered by this new circular.

13. Repealing Clause:

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All procedures, rules and regulations not in conformity with this new policy are hereby : rescinded, amended or modified accordingly.

14. Effectivity:

This policy shall take effect immediately.

Adopted: 12 March 2008

(SGD.) AVELINO I. RAZON JR.
Police Director General
Chief, PNP

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