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GUIDELINES FOR ISSUANCE OF INTERNATIONAL & NATIONAL SHIP SECURITY CERTIFICATES (ISSC/NSSC), STATEMENT OF COMPLIANCE OF PORT FACILITY (SoCPF) & STATEMENT OF COMPLIANCE/SECURITY R...

OTS MEMORANDUM CIRCULAR NO. 03, S. 2013, November 15, 2013

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Adopted: 15 November 2013 Date Filed: 30 January 2014

Pursuant to E.O. No. 277; E.O. No. 311; Chapter XI-2 IMO-SOLAS 1974; The IMO-ISPS Code; DOTC Department Order No. 2004 (May 28, 2004); The National Security Program for Sea Transport and Maritime Infrastructure (the Programme); and OTS-Transportation Security Regulation (OTS-TSR) No. 011- 2007 dated October 1, 2007.

I. RATIONALE

To prescribe an updated implementing guidelines in the approval of the security plan and issuance of the International Ship Security Certificate (ISSC) for international ship, National Ship Security Certificate (NSSC) for coastwise ship, Statement of Compliance of Port Facility (SoCPF) for Port Facility and Statement of Compliance of Security Regulated Port (SoCSRP) for Security Regulated Port.

II. SCOPE

a. Philippine-registered ship engaged in international and/or national (coastwise/domestic) voyage as prescribed by the ISPS Code and the Programme; b. Philippine Port facility catering to ships engage in international and or national (coastwise/domestic) voyage; and c. Philippine Security Regulated Port

III. DEFINITION OF TERMS

Administration - refers to the Office for Transportation Security (OTS) in the implementation of the ISPS Code, Chapter XI-2, SOLAS of 1974.

Coastwise - is the movement of cargo or domestic trading along, or around the coast. Said movements of cargo are generally carried by small vessels/ships.

Coastwise-ship - is a vessel engaged in the domestic trade and plying along or around the coast.

Company Security Officer - the person designated by the Company to carry out a Ship Security Assessment (SSA); and ensures that a Ship Security Plan (SSP) is developed, submitted for approval, and thereafter implemented and maintained, and for liaison with Port Facility Security Officer (PFSO) and the Ship Security Officer (SSO).

Designated Authority - refers to the Office for Transportation Security (OTS) in the implementation of the National Security Programme for Sea Transport and Maritime Infrastructure.

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Verification Audit - is the confirmation of ship, port facility and security regulated port security systems and associated security equipment in compliance with the requirements of the ISPS Code and the PROGRAMME, respectively.

Initial Verification Audit - is a comprehensive undertaking to ensure that the ship's security system and any security equipment required by the maritime security measures and the approved SSP is in satisfactory condition and fit for the service for which the ship is intended.

Intermediate verification audit - is conducted to ensure that the ship's security system and any security equipment required by the maritime security measures and SSP remains in satisfactory condition and is fit for the service for which the ship is intended.

Renewal verification audit - is a comprehensive undertaking to ensure the ship's security system and any security equipment fully complies with the requirements of the maritime security measures and the approved SSP, remains and still in satisfactory condition and is fit for the service for which it is intended.

International Ships Security Certificate (ISSC) - is a certificate issued by OTS to a Philippine-registered ship engage in international voyage stating that it fully complies with the requirements of maritime security measures and the associated security equipment are in satisfactory condition and fit for the service intended.

National Ship Security Certificate (NSSC) - is a certificate issued by OTS to a Philippine-registered ship for coastwise voyage stating that it fully complies with the requirements of maritime security measures and the associated security equipment are in satisfactory condition and fit for the service intended.

OTS - Office for Transportation Security refers to the Designated Authority and Administration in the implementation of ISPS Code and the PROGRAMME.

Philippine-Registered Ship - is a vessel registered under the laws of the Republic of the Philippines.

Port - is a harbor having facilities for ships to moor and or to load or unload any kind of cargoes and or passengers.

Port Facility - is a location where the ship/port interface takes place. This includes harbor, anchorages, waiting berths and approaches from seaward, as maybe appropriate.

Port Facility Security Assessment (PFSA) - is a risk analysis of all aspects of a port facility's operation in order to determine which part(s) of it are more susceptible and/or likely to be subject of attack.

Port Facility Security Plan (PFSP) - is a security plan developed based on the approved risk and vulnerability assessment to ensure the application of measures to protect the port facility and the ship, persons, cargoes and ship stores within the port facility from the risk of security incident, within the 500-meter maritime exclusive zone.

Port Facility Security Officer (PFSO) - is the person duly designated as responsible for the development, implementation, revision and maintenance of the port facility security plan and to liaise with the Ship Security Officer (SSO) and Company Security Officer (CSO).

Port Security Officer (PSO) - a person duly designated by the port authority as responsible for the development, implementation, revision and maintenance of the security regulated port security plan and for liaison with the PFSOs, SSOs and CSOs.

PROGRAMME - refers to the adopted National Security Program for Sea Transport and Maritime Infrastructure (NSPSTMI) of the Republic of the Philippines.

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Recognized Security Organization (RSO) - an organization with appropriate qualification or expertise in maritime security with appropriate knowledge of ship and port operations, authorized by OTS to perform certain security-regulated activities.

Security Regulated Port (SRP) - is an area in which two or more port facilities are located, intended for use either wholly or partly in connection with the movement, loading, unloading, maintenance or provisioning of ships and which requires additional security measures for ships and which requires additional security measures for ships engage in coastwise and international voyage.

Security Regulated Port Security Assessment (SRPSA) - is a risk analysis of all aspects of a security regulated port operation in order to determine which part(s) of it are more susceptible and/or likely to be subject of attack.

Security Regulated Port Security Plan (SRPSP) – is a security plan developed to ensure the application of measures to protect the security regulated port and the ships, persons, cargoes and ship stores from the risk of security incident.

Ship Operator - is a person/company who assumes responsibility for the operation of the ship.

Ship Security Assessment (SSA) - an identification of the particular features of the ship, existing security measures, procedures, shipboard operations and the potential threats and vulnerabilities.

Ship Security Officer (SSO) - is the person onboard the ship accountable to the master, designated by the company as responsible for the security of the ship including the implementation and maintenance of the security plan.

Ship Security Plan (SSP) - a plan developed to ensure the application of security measures on board the ship and designed to protect the persons onboard, cargo and ship's stores from the risk of security incident.

Statement of Compliance of a Port Facility (SoCPF) - a document issued by OTS to a port facility with an approved Port Facility Security Plan (PFSP).

Statement of Compliance of a Security Regulated Port (SoCSRP) - a document issued by OTS to a security regulated port with an approved Security Regulated Port Security Plan (SRPSP):

Transportation Security Officer (TSO) - a person who acquired training and skills with competency and certified by the Administration to conduct security certification, audit and/or inspection.

IV. PROCEDURES

A. SHIP SECURITY CERTIFICATE

1. FOR INTERNATIONAL SHIP

- The Company Security Officer (CSO) shall submit the Ship Security Assessment (SSA) to the Administration/Authorized Agent for evaluation and approval. In case the ship operator/owner engages/enlists the services of an RSO to prepare the SSA, the enlisted RSO may submit the SSA to the Administration/Authorized Agent. The approved SSA shall be the basis for the preparation of the appropriate SSP. Provided that, if an RSO assists the ship operator/owner in preparing its Ship Security Plan (SSP), that RSO is not authorized as an authorized Agent of the Administration to approve that particular SSP.

- After the approval of the SSP by the Administration or Agent, initial verification audit shall be conducted to verify the Security Plan of the ship. If there are noted major non-conformances, the ship shall rectify/comply

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within 15 days from notice. After compliance, the Administration or Agent shall issue the International Ship Security Certificate (ISSC) in compliance with the requirements of the ISPS Code.

- When the renewal verification audit is completed within three (3) months before the expiry date of the existing certificate a new ISSC can be issued and shall be valid from the date of completion of the renewal verification to a date not exceeding five (5) years from the date of the expiry of the certificate.

- During the validity of the certificate, at least one (1) intermediate verification audit shall be conducted preferably between the 2nd and the 3rd anniversary date of the certificate. Provided, that an additional verification may be ordered by the Administration during the lifetime of the certificate.

2. FOR NATIONAL/DOMESTIC SHIP (coastwise/domestic voyage)

- The Company Security Officer (CSO) or RSO authorized by the Ship owner/operator shall submit the SSA to OTS for approval. The approved SSA shall be the basis for the preparation of the appropriate SSP.

- The SSP is submitted for evaluation and approval by OTS in accordance with the prescribed template in the Programme together with the Oath/undertaking by the CSO/authorized representative as attested by the owner/operator, that the security equipments/undertakings are in place. FORM “A” is the oath/undertaking template.

B. STATEMENT OF COMPLIANCE for PORT FACILITY (SoCPF) and STATEMENT OF COMPLIANCE for SECURITY REGULATED PORT (SoCSRP)

1. FOR PORT FACILITY (PF) and SECURITY REGULATED PORT (SRP)

- The Port Security Officer (PSO) or the Port Facility Security Officer (PFSO) shall submit to OTS for evaluation and approval the Security Regulated Port Security Assessment (SRPSA) or Port Facility Security Assessment (PFSA) as the case maybe.

- The OTS approved SRPSA or PFSA shall be the basis for the development of the respective Security Plan.

- The Port Security Officer (PSO) and Port Facility Security Officer (PFSO) shall submit to OTS the SRPSP or PFSP following the Programme template for evaluation and approval.

- Upon approval of the SRPSP & PFSP, the PSO or the PFSO will submit the required undertaking as a procedural requirement prior to the issuance of the corresponding certificate of compliance (SoCPF & SoCSRP) to the requirements of the Programme and the certificate shall be issued and valid for five (5) years. The required Undertaking is hereto attached as FORM’s B & C for the Security Regulated Port Officer (SRPO) and Port Facility Security Officer (PFSO) respectively.

V. COMMON PROVISIONS

- If a verification audit is completed within three (3) months before the expiry date of the existing certificate, a new NSSC, SoCSRP or SoCPF is issued and shall be valid from the date of completion of the renewal verification to a date not exceeding five (5) years from the date of the expiry of the certificates. However, when the Administration finds that the existing Security Plan are no longer responsive, it shall not issue a new NSSC, SoCSRP and SoCPF as the case maybe.

- During the validity of the NSSC/SoCSRP and SoCPF, at least one (1) verification audit shall be conducted preferably between the 2nd and the 3rd anniversary date of the certificate. Provided that the Administrator can direct any additional verification audit in the exigency of the service.

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- Additional verification audit maybe directed by the Administrator upon any exigency. In case deficiencies are observed during the audit, the concerned regulated port or port facility shall be given thirty (30) days from notice to rectify deficiency. Failure can result in the recall of approval of the security plan and the consequential cancellation of the issued certificate.

VI. INTERIM CERTIFICATION

OTS may issue an interim compliance certification on the Ship (International & National/Domestic respectively), Port Facility and Security Regulated Port for a period of Six (6) months subject to the following conditions:

- FOR INTERNATIONAL SHIP - ship on delivery or prior to its entry or reentry into service; ship changing flag; when a company assumes the responsibility to operate the ship not previously operated by that Company; ISSC certificate that expired or is expiring provided at least one (1) intermediate audit was conducted during the validity of the certificate.

- FOR NATIONAL SHIP (domestic/coastwise voyage) - Upon an expired NSSC but with pending application for renewal or if the NSSC is expiring and is on travel, provided one (1) verification audit was conducted during the validity of the certificate.

- FOR PORT FACILITY - when another company/person assumes the operation of the port facility; and SoCPF has expired or is expiring provided at least one (1) verification audit was conducted during the validity of the statement of compliance.

- FOR SECURITY REGULATED PORT - when another company or government agency assumes the operation of the security regulated port; and SoCSRP has expired or is expiring provided at least one (1) verification audit was conducted during the validity of the statement of compliance.

- FOR SPECIAL ISSC CERTIFICATION - an interim ISSC maybe issued to a domestic ship on a special or limited international voyage/engagement with prior MARINA clearance/approval.

VII. AUDIT BY ADMINISTRATION

Audit shall be conducted at intervals specified by the Administrator to ensure the effective, efficient and sustained implementation of all the security measures and or security plans on board ships, regulated ports and port facilities.

A. FOR INTERNATIONAL SHIP

- INITIAL VERIFICATION AUDIT - is a comprehensive undertaking to ensure that the ship's security system and any security equipment required by the maritime security measures and the approved SSP is in satisfactory condition and fit for the service for which the ship is intended.

- INTERMEDIATE VERIFICATION AUDIT - is conducted to ensure that the ship's security system and any security equipment required by the maritime security measures and SSP remains in satisfactory condition and is fit for the service for which the ship is intended.

- RENEWAL VERIFICATION AUDIT - is to ensure the ship's security system and any security equipment fully complies with the requirements of the maritime security measures and the approved SSP, is in satisfactory condition and is fit for the service for which it is intended.

- ADDITIONAL VERIFICATION AUDIT - Additional or such other unannounced verification audit shall be

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conducted if the Administrator deems it warranted and necessary to check the effective, efficient and sustained implementation of the ISPS Code.

B. FOR NATIONAL SHIP (Domestic/coastwise voyage), PORT FACILITY, SECURITY REGULATED PORT

- VERIFICATION AUDIT - Is a complete determination by the OTS of the ship, the port facility or the security regulated port security systems and associated security equipment in compliance with the requirements of the ISPS Code and the PROGRAMME, respectively.

At least one (1) verification audit shall be conducted by the Administration during the lifetime/validity of the Security Certificate or Statement of Compliance as the case maybe.

- ADDITIONAL VERIFICATION AUDIT - Additional or such other unannounced verification audit shall be conducted if the Administrator deems it warranted and necessary to check the effective, efficient and sustained implementation of the Program.

VIII. EFFECTIVITY

This shall take effect this November 15, 2013, Pasay City, MM. Philippines.

(SGD) COMMO ROLAND S. RECOMONO AFP (RET.)
Administrator
Office for Transportation Security

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